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State-Making, Evidence-Making, and Claim-Making: The Cases of Torture and Enforced Disappearances in Post-1980 Turkey

Abstract
This thesis concerns the struggles over the production of the truth of state violence in Turkey in the three decades following the infamous 1980 military coup. Specifically, it focuses on cases of torture and enforced disappearance, two forms of violence which the state not only used extensively but also around which it built a specific regime of denial in collaboration and complicity with the official forensic institution. The latter is the ultimate authority that produces medical documents and reports that can be used in making legal claims.

Based on two years of fieldwork in human rights NGOs, forensic medicine institutions and hospitals, and interviews with human rights activists, forensic physicians, victims and the relatives of victims of violence, this thesis aims at a genealogy of the terms by which evidence making, claim making, and state making occurred in Turkey in the last three decades (1980-2013). These terms are crafted in the encounters between state officials, victims, and physicians, each of who hold different relationalities, epistemologies, and desires, and who find themselves to be in constant negotiation and struggle.

The thesis shows that while human rights activist physicians' challenge to the state has been crucial in documenting and restricting violence, its partial success also shaped the political sphere, transforming political crises into medical problems that can be solved by ordering, regulation, standardization and normalization. While oppositional public discourse relied extensively on the concepts of scars, illness, DNA and bones, its demands hinged on procedural and legal transformations rather than on a shift in power.

Although forensic evidence has become increasingly more valuable, I refrain from adhering to a linear narrative that would shift from personal and subjective to objective and forensic modes of witnessing. Instead, I recount how testimony and medical knowledge enforce one another or, enter into contestation at the site of medical institutions, graves, at home, on the street and in courts and produce not only a unique forensic history in Turkey but also a unique regime of bearing witness to violence alongside the one of denial.

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STATE-MAKING, EVIDENCE-MAKING, AND CLAIM-MAKING:

THE CASES OF TORTURE AND ENFORCED DISAPPEARANCES IN POST-1980 TURKEY

Başak Can

A DISSERTATION

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Anthropology

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State-Making, Evidence-Making, and Claims-Making:

The Cases of Torture and Enforced Disappearances in Post-1980 Turkey

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2014

Başak Can

To Nejat (Paramaz Kızılbaş),

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ABSTRACT

State-Making, Evidence-Making, and Claim-Making:

The Cases of Torture and Enforced Disappearances in Post-1980 Turkey

Başak Can

Philippe Bourgois

This thesis concerns the struggles over the production of the truth of state violence in Turkey in the three decades following the infamous 1980 military coup. Specifically, it focuses on cases of torture and enforced disappearance, two forms of violence which the state not only used extensively but also around which it built a specific regime of denial in collaboration and complicity with the official forensic institution. The latter is the ultimate authority that produces medical documents and reports that can be used in making legal claims.

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Introduction

State-Making, Evidence-Making, and Claims-Making: The Cases of Torture and Enforced Disappearances in Post-1980 Turkey

Dr. Umut worked as an intern at the Forensic Medicine Institution (ATK) in the late 1980s. During his internship, he performed autopsies on political activists who were tortured to death or extrajudicially killed. He learned how to prepare autopsy reports according to the official forensic epistemology of ATK. Soon enough Dr. Umut observed a series of incidents in which the medico-legal reports prepared by the ATK failed to identify torture, ill treatment, or murder. At first, this did not disturb him since he thought that physicians are not judges and it was not their task to name or identify exactly what produced the mutilated bodies they encountered. However, when he participated in one of the international exhumation teams in Yugoslavia, he underwent a radical change. He realized the importance of forensic medicine in the investigation of human rights violations and how he and his institution were complicit with the various crimes the state continued to commit.

Dr. Umut is now a renowned professor of forensic medicine working in the field of human rights violations. One can see him at mass grave exhumations, at press statements for ill prisoners where he discusses the condition of ill prisoners he recently visited in prison; at court trials as an expert witness on behalf of victims of police torture, or at conferences presenting reports on the health-related side effects of the use of tear gas. Dr. Umut's popularity reflects a broader societal transformation concerning the role

of expert knowledge and expert witnessing in questions concerning human rights violations in Turkey. His example shows how forensic medicine and medico-legal witnessing to human rights violations have become indispensable for establishing the truth of political violence.

Those who are beaten or tear gassed by the police try to obtain medico-legal reports to prove the violence they were subjected to; prisoners who fell seriously ill due to ill treatment and bad conditions in prisons need reports issued or certified by the Forensic Medicine Institution (ATK) to postpone the execution of their sentence, families of the disappeared have to apply to the ATK to have their DNA tested to learn if the exhumed bones belong to their missing relatives. However, it would be wrong to assume that this expansion of the field of forensic medical knowledge has a linear or progressive genealogy. The practices, encounters, and discourses circulated in and through forensic medical knowledge emerged as a response to intersecting and conflicting genealogies of other ways of bearing witness to political violence.

In this study, I describe and analyze the ways in which the truth of political violence, specifically of torture and enforced disappearances, is established, challenged, or negotiated since the 1980 coup d'état. How do conflicting witnessing positions interact in cases of political violence? How do state and non-state actors mobilize forensic medical expertise in order to maintain or challenge the denial regime of the state (Cohen 2001) in the face of violence? This study is based on research conducted at two human rights organizations, both of which seek to reckon with political violence, and at official medical institutions where medico-legal encounters in cases of political violence take place as well as interviews with the families of the disappeared, human rights activists, and forensic physicians.

Analytic Frame

In Turkey, as in many other parts of the world, the body is the site on which political violence inscribes itself through torture, disappearance, and imprisonment. Accordingly, **one analytical framework** I utilize for the questions I address in my dissertation is the body. In the case of Turkey, the body has **emerged as a privileged locus of expert knowledge** as torture, disappearance, and incarceration became primary means of political violence and sites of struggle. I selected these two forms of violence, torture and disappearance, because in these cases not only a politics of knowledge but also a politics of denial are at play in similar ways. In cases of enforced disappearances, the body of the victim goes missing. Therefore, the primary evidence of the state crime is missing. In cases of torture on the other hand, the state apparatuses circulate the tortured body among a number of official medico-legal institutions in order to insure that torture will not be registered in official documents so as to render state violence invisible if not non-existent. Moreover, techniques of torture have become so increasingly sophisticated that it is harder for experts to detect it. In other words, these two forms of violence have a unique relationship to **questions of evidence,** that is, questions concerning how facts gain legal and political relevance. They also have intersecting genealogies in Turkey in regards to how both are registered in medico-legal apparatuses since the 1980 coup d'état. Consequently, one thread that I follow throughout my study is how the body as a whole, its parts, and even its remains, not only gain evidential value, but also become invested with desire, meaning, and interest as techniques of political violence and regimes of denial are transformed in the contestation between different political and medico-legal actors.

The **second analytical framework** which informs my study is the anthropological literature on **expert knowledge**, which examines the ways in which bodily evidence, biomedical categories, or forensic knowledge become ingrained in the constitution and imagining of the political field in the contemporary world. I specifically look at how medico-legal categories, practices, and ideologies play out around the question of the tortured and missing bodies in Turkey and how individuals, communities, and human rights activists take up or challenge these categories/ideologies to make legal and political claims. As such, the second thread that I follow in my dissertation is how forensic medicine becomes a field that produces norms, documents, and relations and how in turn these relations, norms, and documents are activated or rendered dormant in making truth claims or in producing regimes of denial (Ticktin 2001; Fassin 2008).

Medical documentation is not the only way in which bodily pain and suffering can be discussed in public. In many countries it is not even the dominant way. Scholars describe the period between World War 2 and the 1990s as the era of the witness or the era of the testimony (Wieviorka 2006). During this period, testimonies of human witnesses have acquired an unprecedented import (Ross 2003a; Ross 2003b; Wilson 2001; Wilson 2003; Wilson 2004). As noted by Eyal Weisman (2012), "testimony has acquired a visible presence in such varied contexts as truth commissions, human rights theories and humanitarian work" (112). However, since the early 1990s, the first hand witnessing of violence has become available to a broader network of people due to the advancement of communication and transportation technologies. The single survivor's testimony was no longer the only way to learn of past atrocities. More and more local and international human rights organizations started to work with lay people and expert

witnesses to document the consequences of human rights violations as well as crimes against humanity (Redfield 2006; Givoni 2011a; Givoni 2011b). Scholars argue that there has recently been "a shift of emphasis from testimony to evidence, from speech to medical data, from the accounts of living people to the testimony of forensic anthropologists on behalf of bones and dead bodies" (Keenan and Weizman 2012: 113-114).[1] This study follows the contradictions and tensions of this shift in cases of political violence in Turkey. I show that the failed expectations of testimonial strategies deployed by the victims of violence to create retributive and reparative justice make this kind of shift possible and desirable in the Turkish context. However, this shift also gives rise to a new set of contradictions such as the medicalization of political crisis or agency.

This study also draws on anthropological analyses of the relationship between state, sovereignty, and biopolitics. In the aftermath of the Foucauldian turn, the politics of life has become central to the anthropology of state, and difficulties of studying the state challenged scholars to explore the mundane (daily, material, bodily) and transcendent (abstract, categorizing) aspects and effects of the state at once (Abrams 1977, Aretxaga 2003, Daniel 1996, Feldman 1991, Gupta 1995, Mitchell 1991, Navaro-Yashin 2002, Sluka 2000, Taussig 1992, Trouillot 2001). I use the **analytics of state ethnography** to grapple with the tension between the abstractions (and the violence of abstractions) embedded in the instrumental rationality of law and medicine and the particularities and irreducible differences in people's lived experiences. Many ethnographies separate violence and the ordering functions of the state (Das & Poole 2004). I ethnographically

[1] Joyce and Stover (1991) and Rosenblatt (2010, 2013) also shed light on different aspects of this shift of emphasis in their works on mass graves and the remains and rights of the dead.

explore the role of medico-legal apparatuses, biomedical language, and expert knowledge in documenting, reinforcing, or challenging state violence and illuminate the gravitational forces of "institutional rationalities of law, medicine and psychology" (Feldman 2004). These forces not only surpass the exigencies of local terror "in the prescribed human rights dramaturgy of witness" and the "unifying anthropology of the victim" (Feldman 2004), but they also erase alternative local temporalities and socialities which are embedded in the collective ethos of bearing witness to the violence.

My research thus traces the continuities in the workings of institutional rationalities of law, medicine, and psychology in times of peace and violence (Scheper-Hughes & Bourgois 2004). It illuminates incommensurable temporalities that emerge out of the juxtaposition of the population as an object of biopolitical management and the local life-worlds of communities. For example, collective mourning, coming to terms with loss, and forgiving each have different temporalities than legal and medical evidence building. They occur in different communalities with different purposes.

One topic of the ongoing peace negotiations between the PKK and the Turkish state is the question of past violations made against the Kurdish population. There is still no post-conflict resolution or transitional justice mechanisms that will determine the methods of reckoning with the violence of the past. In the absence of such mechanisms, whose witnessing and story of violence count as credible will be determined through situated and local encounters between all actors involved in such as victims, human rights activists, experts and security forces.

Ethnographic Context

Classical torture methods such as falanga, electric shock, and Palestinian suspension have not been practiced in the police stations and prisons of Turkey since the early 2000s. In a similar vein, enforced disappearance (i.e. disappearance under custody), which was systematically used against Kurds and members of radical leftist parties in the 1990s, is no longer in use. Human rights activists and physicians who fought against torture and enforced disappearances by speaking out have played crucial roles in eliminating these methods of political violence. However, the history of the struggles to end these types of violence and to come to terms with the social and individual traumas they caused continue to shape the contemporary political field in Turkey.

In the 1990s, it was not unusual to see tortured or disappeared bodies (that is, unidentified dead bodies) undergoing medical examination at the official forensic expert institution, that is, the Forensic Medicine Institution (Adli Tıp Kurumu ATK), which was significantly restructured two years after the 1980 military coup. ATK is affiliated with the Ministry of Justice and is the premier authority on issues concerning forensic medicine in particular, forensic sciences in general including the investigation and documentation of suspicious deaths and various types of crimes. The courts must turn to ATK for "scientific" reports when they need expert opinions during trials. Expert reports prepared by other scientific institutions, like forensic medicine departments at universities, or by private doctors, can easily be declared null and void by higher courts in comparison to ATK reports. It is through this centralized expert institution that the state has sought to determine how violence inflicted on the body is to be known or not.

Medico-legal practices and ATK discourses have been pivotal in cultivating a

regime of denial by obscuring and ignoring the traces of state violence on the body. Among leftist circles ATK is described as the "washing machine" for the bloody clothes of the state. However, the denial regime of the state, although in place, relied on a rather complex forensic epistemology. Beginning in the early 1990s, together with human rights physicians volunteering at various non-governmental organizations such as the Human Rights Association (HRA), the Human Rights Foundation of Turkey (HRFT), and the Turkish Medical Association (TMA), forensic physicians working at the ATK were the first to challenge this epistemology. As forms of state violence have changed over the last decade in Turkey, so have the roles of the medico-legal processes in countering, documenting, and/or proving the consequences of state violence.

Victims of violence, human rights activists, and human rights physicians sought to make public their particular ways of bearing witness to political violence. As a response to these struggles, consecutive governments have gradually introduced legal barriers that, since 1991, restrict the powers of security forces and specifically provide the detainee with rights to bodily integrity. These amendments have led to qualitative changes in the forms of political violence implemented in Turkey.

These struggles have also contributed to the emergence of medical witnessing as a privileged site of truth in Turkey when accounting for the social and political repercussion of contemporary or past forms of political violence. Indeed, the diversity of the practices of the forensic medicine experts whom I followed in this study indicates the escalating importance of bodily evidence: from the documentation of the bodily consequences of tear gas to the forensic analysis of the human remains of the disappeared to preparation of medico-legal reports for seriously ill prisoners.

The expert witnessing practices of forensic physicians always take place within a series of governmental and non-governmental institutional contexts and interact with other forms of addressing and witnessing violence, such as the testimonies of the victims of torture, or of the families of the disappeared. Hence, rather than adhering to a linear narrative that would shift from personal and subjective to objective and forensic modes of witnessing, I recount the story of how testimony and medical knowledge enforce one another or enter into contestation at the site of medical institutions, graves, at home, on the street and in courts and produce not only a unique forensic history in Turkey, but also a unique regime of bearing witness to violence alongside the one of denial.

Research Design and Methods

For my dissertation, I used ethnographic and archival research methods. I did participant observation between September 2011 and September 2013 at two non-governmental organizations, namely the Human Rights Association (HRA) and the Human Rights Foundation of Turkey (HRFT) in Istanbul, both of which actively engage in the work of documenting political violence. These organizations are also places where victims of political violence gather, discuss, and organize activities against the personal and political repercussions of state violence.

The first thing I did after arriving in Turkey in 2011 was to talk to people from the Human Rights Association (HRA) who, since 1995, have been known for the acts of civil disobedience against the enforced disappearances in Turkey. After I explained my project to them, human rights activists working at the Commission Against Disappearances let me join their organization so as to observe their activities. At first, I wanted to sustain the

distinction between academic versus activist work by continuing to reminding myself and the members of the Commission of my outsider status. When there was an impassioned debate about a political situation and a decision to be made by the commission, I tried to abstain from expressing my opinions in order not to interfere with what was to be decided. Soon after I recognized how futile my effort was. They insisted on my taking a more involved stance in the discussions and that I assist them with their human rights work. They saw me more as a member of a commission then an academician doing research; however, they continued to bring me physical documents, and introduce me to new people, who, they think, might be useful for my research, and recount stories that they thought I could use in my research. Accordingly, not only did I participate in the Saturday sit-ins against disappearances, but I also became actively involved in the organization of a series of protests against disappearances. Fraternizing with these people has enabled me to meet the relatives and friends of the forcibly disappeared people as well. I learned much about the relationship between the human rights activists and the relatives of the disappeared and also developed friendships with some of the relatives. I was invited to their houses or work places where I had the chance to learn more about their daily lives and troubles.

My position as an ethnographer was rather different at the Human Rights Foundation of Turkey (HRFT), which is run by human rights physicians and aims at documenting torture and providing medical treatment to torture victims. HRFT has a rather professional work environment. I was able to immerse myself in their daily workflow and also did secretarial work such as translation, data entry, and welcoming the applicants. I also had the chance to work with the HRFT doctors on both their reports and

articles on torture documentation. I participated in a number of conferences and workshops on the documentation of torture as well. These conferences enabled me to meet more forensic physicians interested in questions of human rights violations.

I conducted over 30 informal interviews with human rights activists working in these two non-governmental organizations. I asked people about their personal life stories as well as their perspective on the changes in the human rights field. I also interviewed 20 torture victims as well as relatives of the disappeared and asked about their experiences as well as how their struggles against violence have changed over time.

I also visited hospitals, courts, and forensic medicine departments and the Forensic Medicine Institutions that regularly engage in documentary practices concerning violence inflicted by security forces. My observations at these institutions were short-term but provided me with valuable insight as to how pre- and post-detention examinations are carried out by doctors. During these visits, I was able to observe encounters between doctors, patients, and police and hospital staff.

I conducted over 30 semi-formal, audio-recorded interviews with forensic experts who are working in both official and non-official capacities. I asked them about their personal life stories as well as their perspective on the changes in forensic medicine since they started working in this field.

I also conducted research at the archives of the HRA and HRFT in order to find medico-legal reports prepared during and after the military coup, and to examine the historical trajectory of the change in the language and style used in these reports.

Presentation

My methodology was to follow different ways of bearing witness to political violence, namely torture and enforced disappearances, and explore how different witnessing practices reproduce or challenge the denial regime of the state. The first three chapters of my thesis focus on the witnessing practices developing around the tortured bodies while the last two focus on those developing around forcibly disappeared bodies. The chapters have a shared concern to discuss how state and non-state actors mobilize various evidentiary tools regarding the tortured, injured, or disappeared bodies in order to make claims in the political and legal sphere.

Chapter One explores the struggle that occurs around the bodily evidence of torture by looking at the official and alternative forensic epistemologies and institutional forms. The systematic denial of torture is built into institutions, mechanisms, and practices in Turkey, specifically that of the ATK. Human rights physicians challenged this denial regime of the state by mobilizing their professional expert witnessing through alternative and independent medical reports. This chapter shows that as physicians develop complicated forensic techniques to inspect torture, not only do the methods of torture change, but so do the boundaries of the very field of the legitimate use of violence.

Chapter Two explores the consequences of the expert witnessing practices of human rights physicians to widespread police violence enacted during the Gezi riots. This witnessing strategically extends the definition of torture by using various medical diagnostic techniques for detecting, analyzing, and classifying bodily and psychological

injuries perpetrated by law enforcement officials' use of gas and water. However, when physicians use their medical expertise to address state violence, they risk reducing people and their political resistance to the experience of the suffering body. In sum, the first two chapters focus on the struggles between official and alternative forensic epistemologies in determining the terms of truth making regarding tortured and injured bodies in Turkey since the 1980s.

Chapter Three pursues a similar theme, namely the suffering body of political prisoners. There is a continuum between prisoner torture, hunger strikes, and illness. According to national and international laws, when seriously ill prisoners are not properly treated, or prisoners who are on hunger strike are forcibly fed, this amounts to torture. The chapter looks at how medico-legal apparatuses are mobilized to witness the suffering of detained political bodies, and explore the biosocialities created around their suffering. I discuss three key moments/events where the medico-legal apparatuses undertake a crucial role to solve a political or bureaucratic crisis that concerns the health situation of the detained. The **first** one is hunger strikes, the **second** is the case of ill prisoners, and the **third** is obligatory pre- and post-detention examinations. In discussing these three elements, this chapter explores how medico-legal encounters between physicians and detainees are mediated through the "discretionary power" of various state officials, including but not limited to physicians. The state does not recognize the presumed universality of the biological body when it comes to the body of the political prisoner and his universal rights as a patient. The body of the political prisoner is a marked body and can never be transparent, or purely biological in the eyes of the "state", even if human rights activists and political groups emphasize that theirs is an apolitical act inspired by

humanitarian values and conscience in the face of the suffering body.

Chapter Four explores the terms, methods, and performances of producing evidence in cases of enforced disappearances. The act of enforced disappearance is first and foremost an act of eliminating evidence. In the face of institutionalized and rationalized denial mechanisms maintained by the state, the families and human rights activists mobilize space, testimony, and photos to make their witnessing a source of alternative evidence making. However, forensic and physical evidence have begun to replace or accompany testimonial evidence in human rights violation investigations in line with advances made in forensic archaeology and anthropology in the last two decades. This has inevitably influenced the ways in which families of the disappeared and human rights activists articulate their cases and make political claims. Especially with the beginning of exhumations in Kurdistan since the 2000s, testimonies have begun to incorporate more themes on forensic and material evidence. The final chapter will deal specifically with how "the forensic embrace" shapes the witnessing practices and political demands of the relatives of the disappeared as well as the political implications of this embrace.

Chapter Five explores the question of mass grave exhumations and the unearthing and identification of the bones. The bones of the disappeared not only put an end to the uncertainty experienced by the families, but also give the most irrefutable evidence against the denial regime of the state in the face of enforced disappearances. However, in the absence of an overall political and legal framework that seeks to regulate mass grave excavations, the encounters between families, human rights activists, forensic experts and state officials become a site of struggle among these actors. It is not only

excavation that is fraught with struggle, but also identifying and returning the bones to the families. This chapter shows that during the three stages of exhumation, identification, and returning of the bones, forensic knowledge and practice emerge as a source of desire that promises to fulfill the demands of families. But these stages also reproduce prejudice, mistrust, and suspicion toward the official forensic institutions of the state and points toward the limitations of the biomedical identification of exhumed bones. In most cases, the representatives of the state seek to reduce the mass grave exhumations to the finding of the disappeared people and their identification. As of being the only authority that can carry out exhumation and identification work, the Forensic Medicine Institution becomes the source of both hope and suspicion. Both the demands and complaints of the families are oriented toward this institution.

Chapter One

Regime of Denial and Forensic Epistemologies in Cases of Torture in Post-1980 Turkey

The office of Human Rights Association (HRA) in Istanbul was crowded with the press and human rights activists on August 22, 2012. There was going to be a press statement[2] about a beating incident, which took place nearly three weeks before on August 4, 2012. The lawyer of two Kurdish brothers who were beaten recounted the incident: The police stopped them on their way home for *iftar, Ramadan dinner,* in Istanbul. Later the police would claim that they suspected them of carrying and using drugs. After conducting a routine body search, one police officer decided to conduct a more detailed one and told one of the brothers to remove his pants. The brother proposed that they go to a cafe or some other closed place, so that he would not be exposed in the middle of the street in broad daylight. However, the police officer did not accept this. The other brother who was witnessing the scene was slightly mentally disabled, and he started shouting at the police officer for body searching his brother. In the end, the two brothers were taken into custody. In the application which the brothers would eventually file they claim that they were continuously beaten in the police car, then in front of the police station, and finally in the police station itself when they were taken into custody. When their health condition deteriorated only half an hour after their arrival and as a result of the beatings, an ambulance was called to take them to the hospital. Upon hearing the news, their family

[2] Human Rights Association's public announcement for this press statement is dated August 22, 2012 and titled "To the attention of press: torture in police stations."

rushed to the hospital, but they were not allowed to see the brothers. The police and the security personnel of the hospital assaulted the family members (a mother and 2 other brothers) when they insisted on seeing their detained relatives. After one police officer kicked the mother, her two other sons were enraged and attacked the police in retaliation. Cameras in the emergency department of the hospital recorded these moments and it is through these recordings that the public learned of the incident. The footage leaked to the television was a total of 2 minutes. Moreover, when broadcasting the event, every television channel used the headline "Brutality toward police at the hospital."[3] A voiceover declared that the family members were violent drug dealers who attacked police officers.

The detained brothers were later taken to two different hospitals to receive legally mandated medical reports that would demonstrate their health situation before and after the detention. In the first hospital, they could not receive medical reports because the police officers insisted on entering the examination room against protocol and the doctor declined examination and diagnosis under these circumstances. In the second hospital the police took them to, the brothers had their bruises, scars, and pain examined and reported by the doctor on call. According to the report they obtained, one of the brothers' eyes were seriously injured as a result of the police beating. Indeed, he had to go through 2 operations in the following days and ended up with a 50% vision loss.

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[3] Here is the link to this footage: http://www.mynet.com/video/haber/polise-hastanede-dayak-1464569/ accessed April 1, 2014. The footage of the beatings at the police station was revealed by a reporter four months later and broadcasted with the title: "Bir polis dayağının öncesi ve Sonrası" (Before and After of a Police Beating) and "Aile Boyu Dayak" (Family Size Beating) http://webtv.radikal.com.tr/Turkiye/2242/bir-polis-dayaginin-oncesi-ve-sonrasi.aspx accessed April 1, 2014.

I met the family during their second visit to the Human Rights Association for this press statement. The family wanted to share with the public what actually happened that day and that they were being threatened by the police so that they would not reveal the torture and the ill treatment they experienced.[4] Scars that resulted from the beatings were still visible on their faces. During the press statement, they showed the medical reports they had received from the hospital, as proof of the violence inflicted on them.

Ironically, the police who were involved in the beating of the two brothers and their family also filed a lawsuit against the family and claimed that the brothers "resisted and hit the police officers on duty." Just like the brothers, the police officers had received medical reports showing their injuries to use in the court. In other words, each party was claiming to have been assaulted and injured on the basis of the reports they received in different medical institutions.[5]

One can immediately recognize the three means by which the factuality of the "violence" that occurred during the incident is claimed, publicized, and recognized. First, the testimony of the persons (be it the police or the family), second the video footage, and third the forensic reports. Forensic reports are especially important in making claims yet

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[4] Neither this incident nor the press statement above is unique or rare. On the contrary, as traditional methods of torture such as falanga and Palestine suspension have been eliminated from police stations in the last decade, beatings inside and outside of the police stations and in police cars have increased (Göregenli & Özer 2010). During my fieldwork at the Human Rights Association, each week there would be at least one or two applications for legal and medical assistance in the face of police violence. Legal aid is provided by the volunteer lawyers of the Association. For medical aid, they are directed to the Human Rights Foundation of Turkey (HRFT). As I discuss in detail in the rest of this chapter, HRFT is a human rights organization founded by physicians in 1991 that specializes in the medical documentation of torture and rehabilitation of torture victims. In some cases, victims want to make public the police violence to which they were subjected by organizing a press statement at the Association. In other cases, the Association organizes a name-and-shame protest in front of the police station where the torture took place.

[5] Field notes; Human Rights Association, August 22, 2012.

not only is the factuality of the event but the truth bearing capacity of the reports themselves became sites of contention among the different actors involved.[6] Which forensic report, the one taken by the brothers or the police officers, will be considered more credible? When and where does a forensic medical report count as evidence and why is so much invested in the report? This chapter aims at situating these stakes in an historical and ethnographic context by looking at torture documentation practices and discourses in Turkey where the **systematic denial of torture** was sustained through medico-legal apparatuses, primarily that of the Forensic Medicine Institution, especially in the aftermath of the 1980 coup d'état.

As the story I cited at the beginning exemplifies, in Turkey detainees have to be brought to a doctor right after they are detained as well as before their release.[7] This medical documentation of the wellbeing of detainees aims at diagnosing whether torture and ill treatment during custody occurred. It also has the consequence of equipping physicians with an extraordinary amount of knowledge regarding routine medical

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[6] Medical reports have gained unprecedented importance, especially in the last decade, in helping to establish the plausibility or implausibility of reports of police violence not only in court, but also in popular discourse, newspaper articles, and books. For example, Ismail Saymaz, a reporter who specializes in human rights violations in Turkey, prepared a book on cases of police violence. In the introduction to his book, *Polisin Eline Düşünce Sıfır Tolerans* (Zero Tolerance When Fallen into the Hands of the Police) (2012), he says that the only criteria he used while picking the cases was whether the victim of police violence had a medical report received immediately after the incident of torture, beating, or ill treatment. This, to him, is the most solid evidence that establishes the factuality of the event.

[7] Health related legal safeguards for detainees are regulated in the 9th article of the "Regulation on Apprehension, Detention and Statement Taking." This article can be summarized as follows: It establishes "the right to medical examination without a law enforcement officer being present; the requirement that medical reports be prepared on admission to, any prolongation of, and exit from police custody; and stipulates that copies of medical reports be sent by the doctor in a sealed envelope to the prosecutor. It was also stipulated that the law enforcement officer bringing the detainee before a doctor for medical examination should not be the same individual conducting the interrogation" (Human Rights Watch document 2008).

examination for legal purposes; in emergency rooms as well as in forensic medicine departments located at the courthouses and human rights NGOs.[8] The authority that the state has endowed the doctors with and the knowledge produced by physicians are not only used to produce official truths but are also often mobilized by oppositional groups. Forensic medicine reports prepared in alternative locations emerge as important cultural and political reference points in relation to which different actors such as feminists, leftists, Kurds, LGBTI, activists and Islamists make claims, take positions, and form alliances in the face of political violence.

Medico-legal discourses and knowledge are not only relevant for a politics of truth but also for a politics of ignorance: not only for how things are known, but also for the art of how knowledge is denied, deflected, covered and obscured in language, in documents and in perception (McGoey 2012). In many incidents people want to know more and make contesting claims on truth through reference to medical documents; in other cases, forensic medicine can be a means by which ambiguities are mobilized, and unsettling and inconvenient facts are avoided and evaded so that consequences of catastrophic or violent events remain knowingly obscure, or as Taussig (1999) would say, remain a "public secret," or as Cohen (2001) would say, remain a "zone of open secrets." In a similar vein, writing about colonial modernities, Ann Stoler (2002) argues that denial or rather, producing lies and silences, is intrinsic to governance. Moreover, lies, denials, and silences are not automatically enacted; rather, political and official denial is

[8] This situation is noted in one of Amnesty International documents as follows: "The situation of doctors in Turkey is a particularly striking one since there is a widespread problem of pressure on doctors to collude in the medical cover-up of torture while at the same time there is a significant section of the medical profession which is actively promoting human rights and professional ethics" (Amnesty International Harming the Healers 2000: 10).

calculated and highly structured (Cohen 2001). They are created by complex systems put in place, which involve actors, experts, relationships, documents, circulations and discursive norms.

The main question I explore in this chapter is what kinds of **forensic epistemologies** are formed, mobilized, and challenged when dealing with the tortured body in Turkey since the 1980s, which is when the state granted special authority to doctors in assessing torture and violence. This chapter seeks to provide an historical backdrop to understand how and why medical reports have gained unprecedented importance, especially since the 2000s in Turkey. I will address the question of the role that medical knowledge and practice play in the regime of the denial of violence that is constitutive of Turkey's governmental modernity. To this end, I will ask the following questions: How does scientific and expert knowledge become an object of political and social debate? How do scientific knowledge and public understandings of science and expert knowledge inform moral and political categories and social thought so as to maintain or challenge the existing social order? What role does medical knowledge play in creating hegemonic perceptions of reality and how they are challenged from outside and within the hegemonic institutions of the state? My research draws from a perspective that examines the co-production of knowledge and social order. As Rajan says, "'Social order' is not the outside, relational counterpart of the epistemic across which one can make conceptual translations; it is already integral to ways in which epistemology is at stake. There is no epistemology without a concomitant social order" (2011). It other words, the institutions and discourses of the regime of denial and official forensic epistemology are co-produced in and through medico-legal encounters around the cases

of political violence, specifically torture.

In the first part of the chapter, I will trace the parallel and intersecting formations of official and independent and alternative medico-legal institutions in Turkey against the backdrop of political transformations in the post-1980 coup period. I will argue that medical experts and institutions, primarily that of the Forensic Medicine Institution, played a crucial role in denying the systematic and widespread use of torture in Turkey in the 1980s and 1990s. But forensic physicians, who were trained in this Institution, together with human rights physicians,[9] have laid the foundations of an alternative forensic epistemology in the field of torture investigation. More importantly, they have used their expert authority in the field of forensics in order to speak up against torture and ill treatment in prisons and police stations. Their example also shows how the acceptable level of state violence is subject to change with the development of the alternative epistemology of progressive physicians. These physicians have challenged the regime of denial through their sophisticated expert witnessing techniques that draw on a new forensic epistemology and are inspired by humanitarian and human rights principles.

How to Define Torture? How to Study Torture?

Apart from the daily use of the term torture to describe all kinds of brutal and egregious acts, torture is a term defined in the legal domain. The United Nations Convention against

[9] These human rights physicians were working in various non-governmental organizations such as The Turkish Medical Association, the Human Rights Association, and the Human Rights Foundation of Turkey beginning since the mid-1980s. These physicians were subjected to various state pressures through legal and illegal threats and lawsuits throughout the 1990s, but they have also gained internationally recognized expertise in the field of investigation and documentation of torture.

Torture provides the most general and widely accepted definition of torture.[10] In this definition torture can be either physical or mental. It must be intentionally inflicted for a particular purpose or as a result of discrimination, and it has to be inflicted by a public official. Many studies on torture have emphasized the difficulty of classifying various kinds of physical and psychological suffering under the legal definition of torture. It is also argued that focusing strictly on torture might implicitly legitimize other forms of state violence, or might render other forms of human suffering caused by social and economic inequalities invisible (Kelly 2012). Despite these critiques the legal struggle against torture has gained unprecedented ethical and political power in the last three decades alongside the rise and expansion of human rights activism across the world (Moyn 2010).

These struggles bring together many actors with different agendas. These actors willingly or unwillingly find themselves involved in torture as perpetrators, victims, judges, lawyers, prosecutors, human rights activists, doctors, politicians, psychiatrists, and so forth. Encounters between these actors shape how torture is enacted and documented, and to what extent an act can be classified as torture in the legal domain. Among these actors, the role played by physicians, who provide medical treatment for the tortured and document torture, is usually overlooked in the political violence literature. I, on the other hand, deal with the question of torture by focusing on the experiences of

[10]Article 1 of the United Nations Convention against Torture defines torture as: "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." This Convention was adopted by the United National General Assembly in 1984 and came into force in 1987. Turkey signed and ratified the Convention in 1988.

forensic physicians in Turkey.

Military Rule, Torture, and Denial

As mentioned earlier, torture has been endemic to the governmental practices of the Turkish state, but only after the 1980 coup d'état did it affect large sections of the population and become a hotly discussed and widely criticized public issue.[11] Many international organizations criticized the representatives of the military government for implementing, and tolerating, the systematic and widespread use of torture against the ideological and ethnic others of the country (Amnesty International 1985). Indeed, mass arrests and systematic torture in police stations and military prisons characterized the 1980 military coup in Turkey. Rather than killing and disappearing people en masse,[12] the military government took hundreds of thousands of people from their homes and workplaces, tortured them, tried them at courts, and imprisoned them.[13] The reign of

[11] Interestingly, it was progressive physicians and mothers, wives, and sisters of political detainees who first realized the extent of torture in prisons after the coup. During my interviews with the mothers of political detainees, almost all of them mentioned how they were shocked and saddened when they received the bloody clothes of their loved ones from prison to wash. At first they could not figure out why it was so. In time they realized that it was a result of the systematic torture in prisons. On the other hand, progressive doctors examining the detainees after their release were also consistently encountering bodily and psychological complaints. Eventually, they were experienced enough to detect different types of torture practiced in prisons and police stations based on scars, wounds, and pain.

[12] For example, 50 people were executed after being tried and having received death sentences. It is documented that 171 people died after being tortured. Even though enforced disappearances took place in the aftermath of the military dictatorship, it never took a systematic form. This situation would change during the war between the PKK and the Turkish army in the 1990s. Hundreds of Kurdish people in Southeastern Turkey and Turkish revolutionaries in Western Turkey would be kidnapped by state officials or paramilitary forces and their bodies would be systematically disappeared systematically between 1992 and 1996.

[13] "650,000 people were under arrest. 1,683,000 people were blacklisted. 230,000 people were judged in 210,000 lawsuits. 7,000 people were given the death penalty. 517 persons were sentenced to death. 50 of those given the death penalty were executed. The files of 259 people

military rule did not suspend judicial processes and mechanisms; rather, it used them each effectively. That people were not collectively killed or disappeared, but rather heavily tortured and then released back into society, should be seen as a governmental strategy. It is used as a means of repressing opposition and creating a political atmosphere of fear and uncertainty. As Feldman (1991) and Taussig (1984) have argued, such tactics create a culture of state terror and fear through psychological and physical wounds inscribed on the bodies of those arrested and released.

The military government made the detainees (the so-called opponents of the regime) undergo a series of bureaucratic and legal mechanisms through which they kept detailed records of them, gathered intelligence, and produced documents about them and decided whether and where they could study and work and whether they could travel abroad or not. These legal and bureaucratic mechanisms, which were mobilized to monitor insubordinate groups, especially the members of radical revolutionary political parties, turned out to be crucial for maintaining the legitimacy of the military rule.[14] The "denial" of the systematic nature of torture accompanied these collective arrests. The

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who had been given the death penalty were sent to the National Assembly. 71,000 people were judged on account of the Articles 141, 142, and 163 in Turkish Penal Code. 98,404 people were judged on charges of being members of a leftist, a rightist, a nationalist or a conservative organization. 388,000 people were denied a passport. 30,000 people were dismissed from their firms because they were suspects and therefore inconvenient. 14,000 people had their citizenship removed. 30,000 people were sent abroad as political refugees. 300 people died in a suspicious manner. It was documented that 171 people died by reason of torture." http://en.wikipedia.org/wiki/1980_Turkish_coup_d%27%C3%A9tat, accessed April 15, 2014.

14 Civil governments succeeding the military government inherited most institutions and regulations established by the military government. For example, the 1982 Constitution, which was prepared by and approved under the military rule, is still in effect in Turkey. This situation is usually criticized as an example of Turkey being a non-democratic country ruled by military laws. But it also shows how the military rulers designed the Constitution in line with the minimum requirements of modern and liberal states that provided them with the legitimacy they needed at both the national and international levels.

architect of the 1980 military coup, Kenan Evren,[15] was one of the defendants during the 1980 coup trial in 2012. At the onset of the trial, he misunderstood a procedural question of the judge and said: "We had nothing to do with the tortures then."[16] However five years prior to the trial, being extremely confident in himself, he had expressed a different position on torture:

> It was not like I told them to torture this or that guy in this or that prison. But it wasn't like there was no torture in police stations either. There was torture everywhere. When you are taken in a police station, you would be subjected to ill treatment. We cut slack to the police so that they could work in a more relaxed manner. So they continued doing it. The police interrogate. They have some methods to make people talk. The Germans used to do that, so do the British, the Americans, the French... Didn't they do it? Once upon a time everyone used to torture. The Germans for example tortured the Baader-Meinhof gang, but then said 'they committed a suicide.' (*Milliyet* 2007)

Apparently this type of denial strategy inspired him during his rule; indeed, his military government and its bureaucratic legacy founded institutions that excelled in the art of scientific denial and manipulation through torture.

Denial of torture through a series of medico-legal apparatuses, instruments, and epistemologies has emerged as an important performative and constitutive act for the Turkish state since the 1980 coup d'état. State authorities have regularly invested in developing official expert discourses and bureaucratic mechanisms to deny, ignore, or undermine torture cases that were regarded as indispensable for sustaining the legitimacy of military rule because it is "uncivilized" to inflict "physical pain" (Asad 1997: 289), and torture should be "condemned" in a modern and civilized state.

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[15] Chief of the General Staff of Turkey between 1978 and 1983 and 7th President of Turkey between 1980 and 1989.

[16] See the related news article on this trial http://www.marksist.org/haberler/8926-sanik-kenan-evren-bizim-bu-iskencelerle-ilgimiz-yok accessed June 12, 2014.

Indeed, only two years after the military coup, the Forensic Medicine Institution (*Adli Tıp Kurumu*, ATK),[17] which is the highest official authority to prepare scientific expert reports for courts, was entirely restructured and began to play a crucial role in institutionalizing this denial strategy and providing a scientific basis for it. Especially in the aftermath of the 1980 coup, ATK has engaged in a particular way of producing expert knowledge and practicing expertise that seeks to render state violence, specifically torture, invisible. In what follows, in order to explore the contours of official forensic epistemology that were circulated and reproduced in and through the medico-legal certificates of ATK, I will provide a brief background on ATK.

ATK: Official Expert Institution

The ATK is part of the Ministry of Justice but not of the Ministry of Health, despite the fact that the majority of employees at the Institution are physicians and there is a close collaboration between the Institution and the Forensic Departments of Medical Schools.[18] The founding figures in the field of modern forensic medicine in Turkey described their duty first and foremost as service to justice.[19] There are usually very close relations between the highest cadres of the judiciary system and the professors of forensic medicine. Before 1917, forensic tasks were conducted under the Ministry of Health. This

[17] The name of the Institution implies that ATK only deals with forensic medicine but in reality it deals with all branches of forensics.
[18] I mainly benefited from a book entitled "The history and organization of forensic medicine" prepared by Prof. Semsi Gok and Prof. Cahit Ozen (1982) for this section.
[19] Beginning from the first National Forensic Medicine Days organized in 1982 (see Gök 1985 for Symposium articles), such organizations of ATK bring together members of Supreme Court, prosecutors, judges and forensic experts. Many forensic physicians I interviewed describe these Symposiums as highly bureaucratic and serious events due to the participation of high cadres of judiciary.

changed in 1917 and the ATK was attached to the Ministry of Justice. Forensic Medicine Law changed three times during the Republican era, first in 1926 (law no. 813), then in 1953 (law no. 6119), and finally in 1982 (law no. 2659), yet none of them changed its affliation to the Ministry of Justice. Many human rights physicians argue that the fact that this Institution is directly subordinate to the Ministry of Justice renders it structurally vulnerable to political manipulation. Election bulletins of almost all political parties usually have an article that promises to guarantee the independence of the ATK, yet no government has changed its main organizational structure since 1982.

Şemsi Gök as the Founder of ATK

Şemsi Gök is known to be one of the founding fathers of modern forensic medicine in Turkey.[20] He was charismatic, had scientific and technical expertise, and experience in the field. His scientific competence was unquestionable in the eyes of his colleagues and students. His specialty was in pathology and for years he was regarded as the ultimate authority in conducting autopsies and determining causes of death. He was one of the few who wrote the first books on forensic medicine in Turkish. During his tenure, Gök was

[20] He was teaching forensic medicine at the Cerrahpaşa Medical School when he was assigned as the head of the Forensic Medicine Institution in 1969. In that capacity, one of the first things he did was to move the Forensic Medicine Institution to the university campus in order to facilitate scientific collaboration between the forensic medicine department at the medical school and the ATK. In 1975, when the head of the morgue of the Institution resigned, the Forensic Medicine Department of Cerrahpaşa Medical School was granted the authority to perform official autopsies. Gök had to resign his position as the head of ATK in 1970 because of a change in the law that prevents a state official from being appointed to two official institutions at the same time. But this did not prevent him from increasing his sphere of influence in the field of forensic medicine during these years. When the law changed again in 1977, he was brought back to the head of the Institution until his retirement in 1987. For almost a decade he was both the head of the Forensic Medicine Institution and the head of the Forensic Medicine Department at Cerrahpasa Medical School (Gök & Özen 1982).

able to gather all well-known and important professors of medicine under the Institution. He also established good relations with members of judiciary and state bureaucracies. Şemsi Gök was the person who wrote the ATK law in 1982 almost from scratch, which to this day informs its organizational structure. With this law, he replaced personal relationships within the ATK with that of a bureaucratic and hierarchical structure based on commissions and councils. According to this law, the Institution is composed of six Departments (Biology, Morgue, Chemistry, Physics, Traffic and Observation) that specialize in research, experiment, and autopsy, and six councils that specialize in writing reports. Such specialization departments and councils did not exist before him. One important and direct consequence of this new hierarchical organizational structure of the ATK in the aftermath of the 1980 coup d'état was that the head of the Institution has the last word on everything in the Institution, including hiring and firing employees as he wishes, while he is also appointed with a decree signed by the President of the Republic, the Prime Minister and the Minister of Justice. The new post-1980 ATK law, which is still in effect, not only brought councils and commissions but also further perpetuated Gök's authority.[21] He placed himself as the head of the Institution above and beyond this

[21] During my interviews with forensic medicine experts on the history and practice of forensic medicine in Turkey, Gök's name was referred to with reverence, curiosity, and respect: most of the forensic medicine experts I interviewed knew Gök personally. The older ones had even taken classes from him when they were studying medicine and later worked under him at the Institution. The younger ones remember him frequently visiting the Institution even after his retirement. All narratives about encountering him describe him as a dominant and God-like person. A middle-aged forensic medicine expert tells his experience of working as an intern at the Institution under the tutelage of Gök in the following way: "There was him then. He was the head of the Institution. He was the only decision maker. He was everything. Nobody could say a thing against him. He had charm. You have to keep a distance between yourself and him. If you didn't, you would immediately kiss his hands. You would try hard to keep this distance. He would constantly criticize everyone for almost anything" (Interview with Dr. Umut; December 27, 2011). That he used to have his hand kissed by his younger colleagues was mentioned by

division of labor. This strict and hierarchical division of labor within the Institution, which originated during his office, has been crucial in shaping the nature of the information produced at the Institution. These hierarchies and the organizational structure of ATK have been widely criticized for preventing this institution from being impartial and objective in its expert reports.[22] However, I argue that the effectiveness of the "micro-culture of denial" produced in this Institution mainly lies in the forensic epistemology it embraces. In other words, one should not assume that the physicians who work at the ATK are neither ideologically more prone to state manipulation, nor either expect something from the state in return for falsifying documents and preparing inaccurate reports. On the contrary, forensic medical experts I interviewed described their community as an idealistic one in the sense that the prospect of acquiring wealth as a forensic doctor is very low in Turkey. They cannot open a private clinic. Most of them see the choice of specializing in forensic medicine as a selfless and humane act and define themselves as people with an interest in social and political matters.

Physicians working in the Forensic Medicine Institution have close connections to the forensic medicine departments of universities. The forensic medical community is a very small one in which everyone knows one another. Those who work for the ATK and those who challenge the workings of the ATK have similar backgrounds. Most of the

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everyone who worked with him. Kissing hands is a traditional way of showing respect for the elderly and usually takes place in non-professional and familial encounters. Hence, it is a very unusual thing for a university professor to have his hand kissed. Apparently, Gök also drew on paternalistic habits, attitudes, and gestures to perpetuate his authority in the Institution.

[22] The most important document in that regard is the official report prepared by the State Supervisory Council upon the request of the President of the Republic in 2010. The full version of the report was never released but even the summary was very critical of the workings of the ATK. The summary is available here: at http://www.tccb.gov.tr/ddk/. Accessed September 6, 2013.

forensic medicine specialists who now work as independent forensic experts in human rights violation cases have been trained, interned, or worked at the ATK. My argument is that denial is intrinsic to the operation of the Forensic Medicine Institution because of assumptions regarding the boundaries between law, medicine, and violence and hence assumptions regarding epistemology. It is of course the bureaucratic and hierarchical organization of the Institution that makes it possible to sustain this epistemology, which becomes constitutive of the state's regime of denial by promoting certain ways of registering facts and discouraging others.

In many contexts other than Turkey, the invention of the role of the expert witness has allowed the realm of science and the realm of law to intermingle. The role of the expert witness required that scientists make judgments. In the following, I will show that forensic medicine experts in Turkey restrict themselves to what they define as strict scientific matters. I will also show that this type of expert position has unprecedented political consequences. This epistemological stance is taken up, reproduced, and eventually challenged by the younger generation of forensic medicine specialists. In order to trace this transformation I will focus on the experiences of two forensic medicine specialists who began their careers at the Forensic Medicine Institution. Later they became the founders of two counter-hegemonic, non-governmental organizations in the area of forensic medicine in Turkey, namely the Human Rights Foundation of Turkey (HRFT), and the Society of Forensic Medicine Specialists (ATUD). Following the stories of these forensic physicians shows how this official epistemology has been produced and reproduced irrespective of the conscious choices of forensic physicians at the ATK. Equally so, their experience also shows that, as these physicians were exposed to

alternative investigation and documentation practices, they began to question how they themselves internalized this epistemology in the first place.

The Story of Dr. Umut

Dr. Umut[23] is currently a professor of forensic medicine at a state university. He was the first forensic physician I interviewed for my research in 2011, and I have been in touch with him since then. He is actively involved in all forensic matters concerning human rights violations. He prepares alternative medico-legal reports in contentious torture or extrajudicial killing cases. He works with the Human Rights Association in order to help ill prisoners to receive medical reports. After he joined an international exhumation team in Bosnia in 1996, he also became a pioneer of mass grave exhumations in the Kurdish region. In short, he is now one of the leading forensic medicine experts in the field of human rights violations in Turkey.

Dr. Umut did his internship at the Forensic Medicine Institution in the late 1980s and early 1990s. He received his training under the supervision of the "founding fathers" of forensic medicine in Turkey, including Gök. When he recounts his story, he says he remembers how the members of the Institution would take a hostile position when political prisoners visited the Institution to receive health-related reports and how he would hear rumors about how some cases of torture were covered up at the Institution. He explains:

> We heard rumors about our professors, about their biased attitude toward political prisoners, but we thought that they were the ultimate professional authorities in forensic medicine and it is an unimaginable thing to question their scientific

[23] Pseudonym.

> competence and neutrality. We were used to seeing them as academic figures and not political ones. However, we slowly realized that this Institution was systematically leaving certain things ambiguous when preparing medical reports.[24]

Forensic medicine experts believed that it was the task of lawyers and prosecutors to investigate and prove the causes behind the wounds they observed. In their opinion, inferring the cause of a particular scar and claiming that the scar was the result of torture would mean destroying the *scientific neutrality* of the profession in general, and that of the document in particular. Dr. Umut explains this point further:

> If you do not discuss the etiology, if you do not make comments as to how an incident took place, if you, for example, only describe a cigarette burn without relating it to the story of the patient, your report has little meaning. Someone might reach the conclusion that the burn was caused by mistake and not that somebody has purposefully done it. Both are equally possible. This was a very carefully crafted report format where any hint of causes is avoided. As long as you report only what you see, you wouldn't be doing anything wrong.[25] [...] We started these debates as to relating the violence story to bodily lesions at a very later period. Yes, maybe we were noting all of the scars, we were detecting all of them, but when we were asked by the court or prosecutor to make a comment as to the reason behind the death, we would write down all possibilities, saying that these scars might have taken place as a result of a fall, say, from a staircase. [...][26]

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[24] Interview, December 27, 2011.

[25] See also Kelly (2011: 333) for similar cases.

[26] Interview December 27, 2011. In the rest of this chapter I will discuss how physicians challenged this medico-legal tradition through their alternative report writing practices, beginning in the early 1990s, and how this became the basis of a specific form of expert witnessing to state violence. Here I'd like to give the example of how cigarette burn torture is approached when examined by human rights physicians at the Human Rights Foundation of Turkey. The summary of the story is as follows: In 1998 a mother and a son visited the HRFT. The family claimed that cigarette burns were inflicted on the face and hands of the infant in order to impose stress on the mother, who was detained with the charge of membership in a terrorist organization. The report prepared by the doctors at the Foundation reads: "The infant was brought for treatment approximately 6 months after the claimed incident. Upon having communication difficulties with the male physician in the first treatment, the patient was interviewed by a female physician. Yet, she could not maintain sufficient communication with the child either, and a child psychiatrist carried out the follow-up. As a result of the assessment based on psychological scales and the follow-up that lasted for months, the child psychiatrist confirmed the allegations of the family. The scars seen in the photograph, which were found to be supportive of the history only at the lowest level in the first physical examination, turned into extremely important physical evidence

According to him, the reports by the Forensic Medicine Institution were not wrong in and of themselves. The data or observations or findings are not purposefully manipulated or deleted or omitted. Rather, the final report is devoid of causes due to the structural and epistemological framework within which the forensic physicians produce medical reports.

One factor is the structural organization of the Forensic Medicine Institution, which prevents forensic medicine experts from having direct access to the details of the context within which the incident took place. Prosecutors and the police monopolize this knowledge. The Forensic Medicine Institution is obliged to be the exclusive respondent to questions posed by the prosecutor and the judge, and these questions force them to limit their autopsy and examination reports to a certain format. This is a very carefully crafted medico-legal report format that shapes the way medical experts examine their subjects, be it a corpse on the autopsy table or an allegedly tortured person. The physician examining the body is discouraged from delivering any hint as to what might have caused injuries and harm; in other words, they do not address the why and how of these injuries. As long as you report only what you see, you would not be committing any transgression. Dr. Umut says it is not meaningful to criticize people working at the Institution for falsifying medico-legal reports. He gives another example:

> When we were performing autopsies, we were actually seeing dead bodies whose hands were tied behind their backs, blindfolded, a single shot in the head entering from behind. The cause of death in this situation can hardly be an accident or a suicide. This is probably a murder. But I would not write that down. I think it was

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supporting the allegation after the opinion of the child psychiatrist is taken into account" (Özkalıpçı et.al. 2010:231) In other words, these physicians take the word of the applicant very seriously and seek to detect not only physical but also psychological scars caused by torture.

> a kind of *scientific blindness* that we had then. For example, when we were performing autopsies we were seeing 2 to 5 centimeters long ecchymosis, some bruises on the back, and many other things. Yet, we would describe them as separate independent lesions on the body. Despite sensing that this was indeed torture, and cannot be something else, I would not record it in the report. We were thinking that it is the judge who will enlighten this matter. When we started to question our practices, almost everyone in the forensic medicine community reacted against us in the mid-1990s.

The Case of Süleyman Cihan

In order to show how this medico-legal report format in cases of political violence serves the regime of denial of the state, let me discuss an example from the early 1980s where Süleyman Cihan, a member of an illegal Communist Party, was taken into custody on July 29, 1981 and tortured-to-death the next day.[27] Anti-terror police denied that he was detained. Eighty-two days later, the military prosecutor admitted that he was in detention and said, however, that "he was captured dead"[28]. Meanwhile, the family was frequently visiting the morgue of the Forensic Medicine Institution to see photos of unidentified bodies. Finally, with the help of some insider information, the family found the body of Süleyman Cihan in a cemetery for the unidentified (Cihan and Çetin 2011). According to the police, he had jumped out of the 6th floor of a building where he was supposedly taken to identify his illegal organization's apartment (Cihan and Çetin 2011: 141). Suleyman Cihan's brother Ahmet told me that the family was never convinced by this

[27] For this section I mainly benefited from the book *Suleyman Cihan: The Life of a Communist Leader*, edited by Süleyman Cihan's brother Ahmet Cihan, who is a lawyer, and Mehmet Çetin in 2011. This book is a compendium of all of the official documents regarding the detention and death of Suleyman Cihan under torture, including correspondences between different state institutions such as the military court, the anti-terror police, the Forensic Medicine Institution and the lawyers of the family at the time of the event and afterwards. Ahmet Cihan is also an active member of Human Rights Association. I also discussed with him the details of his brother's story.
[28] This phrase was commonly used as a cover when political activists were extrajudicially killed by the police.

story. To them, he was not the type of person who would commit suicide. He was a dedicated revolutionary. There were two forensic medical reports for him: a preliminary (pre-autopsy) report prepared by physicians who arrived at the crime scene (Cihan and Çetin 2011: 135–136), and the final one, which is based on the autopsy carried out at the ATK (Cihan and Çetin 2011: 155–157).

The first report for Süleyman Cihan is dated July 30, 1981, and indicated that an autopsy should be performed in order to determine whether the death occurred as a result of the fall or had another cause. The final report was prepared at the Forensic Medicine Institution on August 24, 1981 and was comprised of three parts: external examination, internal examination, and conclusion. The first part of this report identifies bruises, scars, and bruises on the body. The second part is done by opening the chest, abdomen region, and skull to see if there is any evidence of trauma to the internal organs. After discussing all this evidence, the autopsy report concludes that "[...] the death was brought about by skull fracture, visceral organ damage, and cerebral bleeding that might have happened as a result of a fall from a high place" (Cihan and Çetin 2011: 157) After comparing the final forensic report to that of the preliminary one, the military prosecutor sent an official letter to the Forensic Medicine Institution asking them to explain why the final autopsy report did not mention the burn lesion on the penis, which was described in the first preliminary forensic report on this date (Cihan and Çetin 2011: 165). Gök, who was then the head of the Institution, neither attended Süleyman Cihan's autopsy nor the writing of the report. Yet, he was the person who answered this question in an official letter to the military prosecutor drawing on previous reports and photos of the autopsy. According to this letter, there was no burn lesion on the penis. The first report mistook a scar on the

penis that was also mentioned in the first (pre-autopsy) report as a burn lesion. After the death took place, this "scar dried because of the loss of water under the tissue" (Cihan and Çetin 2011: 170). If there were a burn lesion, he claims, the report should have classified the degree of burn, which was not the case.

There were a number of indirect consequences of the letter that he prepared for the prosecutor. First of all, by denying the existence of a burn lesion on the penis, Gök was *denying* the possibility that the deceased might have been given electroshock to his genitals. The argument he used to explain the burn scar on the penis was not totally unreasonable; it was within the range of possibilities. However, it disregarded the systematic nature of torture in police stations and how electric shock was one of the most common methods of torture inflicted on political prisoners. By willingly devising other possibilities, he was implicitly denying torture. It is these possibilities that were also taken up by the prosecutor when he decided not to start a prosecution regarding the police team who detained Suleyman Cihan (Cihan and Çetin 2011: 193–202)

When the lawyers of the family lodged an appeal with the Military Supreme Court in 1985, the military prosecutor again based his arguments on the forensic medicine reports prepared by the ATK, using the argument that the final report concluded: "death might have occurred as a result of a fall" (Cihan and Çetin 2011: 157) Although the report discusses falling only as a possibility, the prosecutor presented the report as establishing solid evidence that Cihan jumped out of the window and committed suicide. Thus, by discussing everything in the range of possibility with the pretense of being more scientific, the report indirectly contributed to the regime of denial by making it possible for the prosecutor to defend the denial of torture and death "scientifically".

Reports Based on Reports

This was not the only time that the aforementioned report would be used, nor is this the only interpretation it would give rise to. Actually, what makes any official reports so important for alternative politics is also their potential for reinterpretation. In 2012, when the 1980 coup trials started, the family of Süleyman Cihan wanted to take part in the trials. To this end, they applied to Şebnem Korur Fincancı, an independent professor of forensic medicine, who is also the head of the Human Rights Foundation of Turkey, to prepare a "scientific opinion" on the death of Süleyman Cihan using the photos and previous autopsy reports prepared by ATK. By reinterpreting all the observations in previous documents, Fincanci's independent report revealed how particular findings on the body could be compatible with certain torture methods. After describing these compatibilities, the report states that the possibility that Cihan might have been thrown out of a window after having been tortured to death cannot be excluded.[29] Given the limited amount of information regarding the conditions of his death and the deficiencies of the autopsy report, this is the most conclusive argument that a medico-legal expert could make regarding the cause of death.

Süleyman Cihan's case is important because it reflects how scientific skepticism can be effectively manipulated by doctors in order not to name the violent acts of the state. Equally so, given the fact that the conditions under which crime scene evidence is

[29] See the related articles on the alternative report: http://www.bianet.org/bianet/insan-haklari/142898-savcinin-agar-ve-sahin-i-sorusturmaya-yetkisi-yok-mu or http://www.etha.com.tr/Haber/2012/04/21/guncel/iste-suleyman-cihan-cinayetinin-failleri/, accessed April 1, 2014.

gathered are controlled by the police and other state actors, alternative reports prepared by human rights physicians are not irrefutable. In Cihan's case, by introducing other evidence such as eyewitness accounts and testimonies, Cihan's family and friends contextualized his death and took the alternative report as the final evidence of Cihan's death having occurred while he was in custody. In other words, they managed to introduce sociological and historical data so that the medical report could be interpreted plausibly.

These medico-legal reports lie at the intersection of science, law, and medical expertise. Jasanoff (1995) shows that there are always clashes between the truth-seeking world of science and the justice-serving institutions of law. On the other hand, Latour (2004) argues that scientific and legal practices have different working principles and rely on quite different truth criteria. While the first relies on the idea of suspicion and uncertainty, the latter is based on issuing a swift judgment. The ways these two fields construct their facts and criteria of objectivity are very different from each other. The presumed strict division of labor between law and medicine, the former being the site of evaluation and judgment, and the latter being the site of objective and empirical knowledge, has informed the way politically sensitive medico-legal reports are prepared in Turkey. Forensic experts in Turkey tend to emphasize the skeptical side of science in their medico-legal reports and thereby leave the interpretation of the results of their analysis to the prosecutor or judge.

Official Forensic Epistemology and Social Order

When analyzing the boundaries of scientific knowledge, science studies scholars have

critically engaged the privileged and idealized position attributed to science. There is a strong public discourse according to which "real sciences" are "supposed to be *transparent* to the world they represent, to be value neutral. They are supposed to add no political, social, or cultural features to the representations of the world they produce, and to leave the world they observe unchanged by their research projects" (Harding 2006: 4). Since western science is seen as an autonomous mode of inquiry, it is usually decontextualized from its history so as to maintain its un-reflexive and uncritical boundaries (Nader 1996).

In their historical account of the birth of the empirical tradition in the 17th century England, Shapin and Schaffer (1985) show the role of witness and public space opened for them in determining the scientific facts. According to them, "A man whose narratives could be credited as mirrors of reality was a modest man; his reports ought to make that modesty visible" (Shapin and Schaffer 1985: 65). It is through his witnessing of experiments that facts are established. However, not everyone could credibly testify. The witness who is authorized to establish the facts is a gendered and classed one. The importance of their account lies in the fact that it shows how the problems of social order and knowledge are co-produced.

The Forensic Medicine Institution and forensic reports produced in this Institution embrace an epistemology that draws very much on the aperspectival scientific objectivity that emerged in the mid-19th century and promoted the neutral view. This type of objectivity seeks to eradicate or disregard idiosyncratic and perspectival positions. Forensic medicine experts attempt to claim this aperspectival objectivity in their medical examination practices and autopsy reports by "ignoring all other situational factors

entering into the formation of a certain form of knowledge, observation" (Daston and Galison 2007). All that is personal, social, as well as systematic, is avoided in reports prepared by forensic experts at the Forensic Medicine Institution. Reflecting on the figure of the expert witness, Latour (2004) says that they "occupy the throne of supreme court judges, cloaking their testimony in the incontrovertible authority of the facts as judged" (30). The politicized historical figure of the expert "has the capacity to bring discussion to an end by arrogating to himself the power to bind or unbind by delegating the issue to 'matters of fact'".[30] In his analysis, Latour assumes an inherent distinction between the practice of an expert witness and real scientific work and ignores the larger social and political field within which they both interact. However, the relationship between science and expert authority is not natural but rather culturally and historically particular. Official forensic epistemology that is embodied by forensic physicians and supported by the institutional and bureaucratic dimensions of Forensic Medicine Institution becomes the source of expert authority. However, the way in which this authority contributes or challenges the social order is not predetermined. In other words, instead of problematizing the role of expert witness vis-a-vis the scientist, I am interested in the ways in which knowledge produced by the expert witness can be empowering or disempowering for marginalized populations depending on the context.

The question of documenting, reporting, and witnessing political violence is an inherently fragile and political task, and it is always open to social conflict and struggle.

[30] Latour also notes: "There are also large areas in which scientists cast as experts appear before judges in order to give evidence about matters within their area of expertise (the insanity of the defendant, the source of DNA taken from the scene of the crime, the validity of a patent application, the risks of a particular product, and so on). But each of these situations bears the imprint of law rather than that of science" (2010: page 206).

That is why one needs to conceptualize the expert witness (the forensic physician in this case) as a historically and politically situated "modest witness" who is open to different kinds of manipulation, under the influence of certain prejudices; one who works within a series of institutional and political affiliations and hierarchies. The vital question becomes: how and with whom expert witnesses will align themselves, which knowledge claims will count as credible and legitimate within medico-legal-techno-scientific institutions, and how can the terms of this credibility and legitimacy be modified, changed, or challenged.

The experiences of progressive forensic physicians since the 1980s show us that the boundary between law and medicine is one that is morally and politically drawn and notions such as "scientificity," "neutrality," and "impartiality" are made and re-made through daily encounters. Most forensic doctors who prepare official reports retain classical skeptical understanding of science in such a way and for so long that torture cannot be called by its name. They leave their analysis at a very abstract and purportedly neutral level by including all kinds of possibilities in their reports. They say they cannot argue for a particular cause if they are not 100 percent certain.

The "scientific skepticism" and erasure of causality that characterized medico-legal reports in Turkey has indeed become a very serious problem for victims of violence, their families, and human rights lawyers.[31] The fact that naming torture was

[31] One lawyer Kemal Bilgiç made a similar point: "Unfortunately, even if a medical report is positive, the physician does not explicitly state that the signs are due to torture. He just gives objective findings. Since the physicians don't explicitly state that the signs are likely to be the result of torture, the prosecutor argues that the lesions may be due to other reasons. As a lawyer, I would like to see physicians give conclusions of probability, for example, state that there is an 80 percent probability of the cause being such and such" (Physicians for Human Rights 1996: 146).

systematically avoided under the pretense of being scientific normalized the denial of political violence and contributed to its extension and intensification, especially during the 1990s, when extrajudicial killings and deaths as a result of torture were systematic. In the following I will explore how witnessing the bodily consequences of political violence have compelled some forensic physicians to mobilize alternative epistemologies.

Alternative Forensic Epistemologies as Witnessing the Signs of Torture

Dr. Umut worked at the morgue of the Forensic Medicine Institution in the 1990s and performed numerous autopsies on those who were killed during "armed clashes" and "police/military operations." Dr. Umut, who considered himself a leftist and a humanitarian, tells how he was frequently confronted by the relatives and the advocates of the dead when he was working at the morgue. He says that they would look at him as if he were an enemy. He recounts those days: "They look at you as if you are the kind of person who will destroy evidence and misinform people. Yes, they can look however they like to. This is their most basic right. I don't find it strange. But on the other hand, I thought that they are very ignorant and had no clue about what we were doing."[32] During one of these encounters, some relatives who were waiting in front of the morgue door started shouting and cursing at him for "hiding the truth." He became really angry and shouted back: "look, if I wanted to manipulate the findings, you would be completely unaware of that. I would tell you a story with such intricate details that you would not understand that I am lying. So stop staring at me that way and if you want to control what

[32] Interview; December 27, 2011.

I am doing, bring someone who understands what I am doing."[33] Right after recounting this encounter however, he told me another story that would confirm the suspicion, fear, and mistrust among relatives of the deceased victims regarding the operations of the Institution:

> It was a period in which some people would be "captured dead". They would be brought to the Institution. We would detect close shot wounds on the corpse during the autopsy. What does that mean? Let's say the wound is caused by a shot from a distance shorter than 30 centimeters. How can you kill a person from that close if you are not in a bodily fight? It is not possible. It is not reasonable. It has only one explanation. It is an execution. In legal terms, it means voluntary manslaughter. However, lawyers did not effectively use our findings at that time. And sometimes these findings were sacrificed for the sake of political myths that leftist parties wanted to hold on to. They wanted a narrative of fight and struggle, not that of an execution. [34]

Throughout our interview Dr. Umut wanted to make sure that I appreciated the fact that the Forensic Medicine Institution did not manipulate forensic reports because it did not need to. Fragmented descriptions of political violence do not mean anything unless they are interpreted, commented upon, and used to make an argument in a legal case.

Dr. Umut first realized how problematic their report writing tradition was when he went to Bosnia in 1996 with a group of Turkish forensic experts in order to join an international forensic team. During this visit they examined dead bodies and wrote reports on what they had detected. None of the members of the Turkish forensic medicine team filled out the last section of the medico-legal reports where they were asked to give an explanation of death and express an opinion as to why and how it occurred. One year later, a team of international judges visited Turkey to ask if the forensic experts from

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[33] There are also examples of the families of the deceased becoming friends with the forensic medicine experts working at the Institution.
[34] Interview, December 27, 2011.

Turkey in the international exhumation team had any material evidence that led them to think that these people were not murdered since they had avoided giving any causes of death when filling out forensic reports in Bosnia. If so, this would have changed the trajectory of the trials at the International Criminal Tribunal for the former Yugoslavia. The experts from Turkey explained to these judges that this was the way medico-legal reports were prepared in Turkey: they did not make any judgments as to the cause of death since they are not judges. Nevertheless, this became a turning point for many members of the forensic medical team who joined these exhumations, and they began to question their epistemology as well as their report-writing format from that experience onward.

Baki Erdoğan: the First Alternative Medical Report

Another transformative event in the history of torture documentation in Turkey took place around the same year that Dr. Umut began to realize how problematic their report writing tradition was: the death of Baki Erdogan under custody. Baki Erdoğan, a 29-year-old university graduate, was detained in the Söke district of Aydın in western Turkey on 10 August 1993 and interrogated incommunicado in Aydın Police Headquarters for 11 days. On 21 August, he was taken to a hospital where he died the same day. His father and lawyer were not permitted to attend the autopsy. The autopsy report gave a long list of cuts and bruises over the entirety of Baki Erdoğan's body, "but did not attribute his death to these, instead giving the opinion that he died of 'respiratory failure'" (Amnesty International 1995). According to the Institution's official report, Erdogan died of acute pulmonary oedema caused by a 10-day hunger strike. It was "traumatic changes,

detention conditions, hunger and vomiting [which] caused pulmonary edema and thus death" (Amnesty International 1995). Şebnem Korur Fincancı was then the head of the Specialization Commission of the ATK that prepared this report and she had lodged a statement of opposition and did not sign the report since it did not mention that death might have resulted from torture.

The family of Erdogan had videotaped his body before the burial. This video footage was used by the Human Rights Commission of the Turkish Medical Association in İzmir to prepare an alternative report. According to them, official forensic investigation was "deficient and false and not in accordance with the standards set out in the Minnesota Protocol" and in light of the collected evidence and other findings, the cause of death in the alternative report was determined to be Adult Respiratory Distress Syndrome (ARDS), which was caused by torture. The Association presented this report to the court, which accepted an alternative report for the first time and asked the ATK to prepare a new one on the basis of the findings of the alternative one. In an interview Şebnem Korur says: "At the Institution I later described the nature of trauma and said that this is torture. This became the first ATK report which explicitly states torture".[35] Immediately after this incident she was fired from the Institution. When discussing the role of physicians at the ATK during this period, Sebnem Korur says: "Many doctors do not indicate how those traumas on the body took place, they don't mention about torture in their reports. They are not aware of the fact that if they only describe the bodily consequences of torture without mentioning torture, this has no consequence against

[35] Interview with Şebnem Korur Fincancı by Neşe Düzel available at http://www.radikal.com.tr/yazici.php?haberno=60514, accessed April 1, 2014.

torture at the court. It is this innocent aspect of the process that we can intervene. We can do this by simply training the doctors."

The Baki Erdoğan case became a turning point for human rights physicians. For the first time a court accepted an alternative forensic report that claimed that torture was the primary cause of death. The Supreme Court concluded that the autopsy report clearly showed traumatic evidence over the entire body of the deceased. The Court thus ruled that undeniably, the deceased died as a result of this interrogation under torture.[36] Baki Erdoğan's case was the first concrete achievement made by the human rights physicians who have been working with torture victims since the 1980 coup d'état, both within and outside the ATK. Their work has become visible in the eyes of the public for the first time.

Before discussing how human rights physicians have begun to develop scientific methods to detect and prove torture as a result of their daily practical experience and encounters with the tortured bodies, I will first discuss how human rights and anti-torture activism entered the agenda of the members of radical political parties in Turkey, who usually also happen to be the primary victims of state violence, especially in the aftermath of the 1980 military coup d'état. Indeed, documentation of torture turned out to be crucial for anti-torture struggles as well as for human rights activism beginning in the early 1990s.

"Human Dignity will Overcome Torture" ("İnsanlık Onuru İşkenceyi Yenecek")

[36] The details of the case are available at http://www.radikal.com.tr/haber.php?haberno=59458, accessed April 1, 2014.

Human rights and anti-torture activism have origins with a relatively recent past in Turkey. Even though the history of torture and other cruel treatment can be traced back to the Ottoman era, as well as to the earlier periods of the Turkish Republic (Akçam 1992), human rights activism and anti-torture movements gained traction in Turkey only toward the end of 1970s, not unlike in the rest of the world.[37] While anti-torture discourses and practices in Turkey have emerged as a legitimate ground for political action in the second half of the 1970s, it reached its full-blown development in the aftermath of the 1980 coup. It is the rise of human rights and anti-torture activism as a legitimate and widespread form of political engagement that made the question of torture documentation a privileged subject in the Turkish context.

Mythic stories of torture resistance were very much in currency when the Human Rights Association started its torture documentation campaign, which sought to eliminate cultural, political, and ideological differences between people and strategically reduced them to their bodily pain and suffering. In their political organizations, many leftists used to and still now identify themselves with historical and contemporary figures who resisted torture. But just as radical political organizations, networks, and people were destroyed as a result of the repression of the military coup in 1980, attachment to an abstract notion of human dignity and sacredness (Kelly 2012) allowed people from different political factions to collectively fight against human rights violations. Precisely

37 This is actually also in line with global trends in human rights activism (Moyn 2010). There is a very close relationship between the rise of human rights discourse and practice and anti-torture struggles. Despite the prevailing conviction to equate the rise of human rights activism with the adoption of the Universal Declaration of Human Rights by the United Nations in the aftermath of the Second World War in 1948, Moyn shows that it was only in the 1970s that human rights activism gained international currency. For example, Amnesty International started its first anti-torture campaign in 1972.

because it is abstract and inalienable to humanity, dignity can even serve as an anchor point for resistance. However, dignity is not a fully stable notion with a fixed meaning (Redfield and Bornstein 2011: 18–20); rather, it is shaped and reshaped by local dynamics and contexts. In the Turkish case, the notion of "human dignity" plays a crucial role in the development and expansion of human rights discourses. [38]

In the aftermath of the 1980 coup d'état, along with the decline of radical or sectarian political ideology, the diffusion of a language of rights and justice in the political sphere has taken place. In other words, the emergence of human dignity as the main trope of political mobilization around human rights discourses brought the question of torture and its documentation to the top of the agenda of leftists and their political organizations. They objected to the medical reports prepared by government institutions and wanted to have scars and injuries from torture documented at alternative medical locations. This increased demand for forensic reports by the victims of state violence further inspired the anti-torture activism of progressive physicians in Turkey.

Toward an "Ethically Motivated Objectivist Inquiry"

As the human rights movement expanded after the coup, so did the role of physicians in this movement. Despite not having any background in forensics, many physicians

[38] The slogan "human dignity will overcome torture" first emerged during the prison resistances against torture in the post-1980 coup period among leftist prisoners. Since then, the notion of human dignity has remained in circulation within leftist circles as well as among human rights defenders. It is still extensively used in meetings, press statements, and political brochures concerning human rights violations, especially that of torture. The tortured are known to utter this slogan during torture sessions. Those who show solidarity with the tortured at the courts, in front of prison gates, and in meetings, frequently use this slogan. While the slogan attributes a progressive ethical value to the fight against torture, dignity as an abstract notion is presented as the source of empowerment for the person under torture.

became mobilized to provide free treatment for the tortured as the number of people who were subjected to various bodily violations in prisons and police stations increased. These doctors were defining themselves as advocates of torture victims and entered the field from an engaged position. They were either working at the Human Rights Association or collaborating with human rights activists working there. The first collective and concrete act against torture was taken in 1988 when the Human Rights Association of Istanbul and the Turkish Medical Association initiated a collaboration to work against torture. This project was announced with a press release entitled "Alternative Reports for Torture" on March 13, 1992. The statement reads: "[…] we have decided to take certain steps in order to report the medical situation of torture victims truthfully. Our first step will be to make sure that victims of torture are examined by a team of independent medical experts not affiliated with the Forensic Medical Institution"[39]. The statement continues as follows:

> Medical documentation of torture has always been a controversial issue in Turkey. Forensic Medicine Institution and its branches have the authority to prepare final reports for all legal cases, including torture. It is natural that one expects an Institution endowed with such important powers to have a modus operandi that is independent of political authorities and rumors. But, to put it mildly, it is 'extremely controversial' to say that Forensic Medicine Institution in Turkey has these qualities. [...] Documentation of torture is such an important subject that it cannot be left to 'controversial' institutions. That is why, as two non-governmental organizations that have taken initiatives in the struggle against torture, we have decided to collaborate on the documentation of torture. To this end, the Istanbul Medical Association has formed a commission of specialist physicians. The reports prepared by this Commission will test official reports at courts, and in public. Such alternative reports will be an important step in the exposure and prevention of denial of torture.

In the remainder of the statement, all tortured people are urged to apply to the

[39] This 2-page document is available at the archives of the Istanbul Branch of Human Rights Association.

organizations and be the "witness and evidence" of torture by have themselves examined and by having their torture experience(s) documented. The statement ends by stating: "The struggle against torture should ignore distinctions between the political and apolitical, leftist and rightist. The most important thing in this struggle is the documentation of torture."

This emphasis on the body and its evidence making potential was radically novel for the human rights activists as well as for radical leftists in Turkey. Trained in a professional tradition where objectivity is celebrated, physicians who engage in human rights work continuously struggle to find new balances between neutrality and partiality. They adhere to the idea that as a physician their primary responsibility is to the patient, irrespective of who he or she is. However, they also pay attention to the patient and her story in the sense that they take her allegations of torture seriously. Their example re-formulated medico-legal practice in Turkey. Technical capacity and medical ethics are conjoined in their experience. In that sense, they are "located experts": experts with a perspective. This ethics enables them to link different aspects of the suffering in an individual's experience. This is also what separates alternative medical reports from the official ones.

Medical networks of solidarity at human rights organizations for the treatment and rehabilitation of torture victims as well as the preparation of alternative medico-legal reports beginning in late 1980s gave rise to an independent NGO established and run only by physicians, who have fought against torture since the early 1990s.

Human Rights Physicians are Organizing: HRFT

Human Rights Association (HRA) is a non-governmental organization committed to classical human rights activism since 1986. The physician members of HRA founded the Human Rights Foundation of Turkey first in Ankara in 1990 and then in 5 other cities across Turkey. The activities of the HRFT physicians were both inspired by principles of humanitarianism as well as those of human rights activism from the beginning. Their goal, scale, and mode of engagement differ from classical medical humanitarian practices in that they do not address the suffering of distant others on a global scale as the classical definition of humanitarianism posits (Barnett 2011; Redfield 2013). However, the fact that HRFT is run by physicians and their interventions are oriented toward the alleviation of suffering, rather than strictly focusing on the promotion of legal and political rights, puts them next to international medical humanitarian organizations. They also share concerns characterizing the "humanitarian present"; for example they critically reflect on their own actions or actively mobilize their professional expert knowledge in the form of moral testimony and advocacy (Redfield 2006; Fassin 2008).

The primary task that HRFT physicians have initially set for themselves was to provide free medical treatment to torture victims. To this end, they have also invested a great deal in what Weizman (2012) has called "forensic aesthetic," namely "the gestures, techniques and technologies of demonstration, methods of theatricality, narrative and dramatization" (p. 107) that are used for the documentation of torture. While most of the physicians who founded HRFT were observing, treating, and documenting bodily and mental consequences of torture since the early 1980s, in HRFT they decided to translate their local observations, concerns, and priorities into an internationally recognized, scientific medico-legal discourse. For this purpose, they organized a series of national

and international conferences between 1996 and 1999. The result was the creation of a universal humanitarian kit entitled *The Istanbul Protocol: The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,* which establishes international guidelines for the effective investigation and documentation of torture. Specifically, it sets out scientific and technical diagnostic tools to investigate and document human right violations as they appear on living bodies. This Protocol was designed as a counterpart to the Minnesota Protocol, which is a manual for a medico-legal investigation of extra-legal, arbitrary, and summary executions.

The Istanbul Protocol was endorsed by the UN in 1999. Since then it has become an important part of domestic and international monitoring mechanisms that document torture. The Protocol also establishes an interview guide in cases of torture, how physical and psychological consequences of torture should be recorded in a medico-legal report, how the physical scars should be photographed and analyzed, under what conditions consultations from other medical specialists are required, and how the story of the victim should be related to these observations. The idea behind the Protocol is that a physician, regardless of her knowledge and context, can detect the physical and psychological signs of torture anywhere in the world by applying the recommended procedures. Today, the Istanbul Protocol is widely referred to by all physicians and human rights organizations in the world.[40] The Protocol draws on the idea of a universal body as the ultimate "site of

[40] Another product of this forensic aesthetic is the illustrated "Atlas of Torture: Use of Medical and Diagnostic Examination Results in the Medical Assessment of Torture" (Özkalıpçı et al. 2010) where the bodily consequences of each method of torture are shown with pictures. Both these tools turn out to be indispensable for rehabilitation, diagnosis, and the documentation of

veracity" (Fassin 2012: 113), however it is the "anamnesis", i.e., the story of the victim, which guides the way the physician examines the tortured body in the first place. Such a shift in the conceptualization of the body has serious consequences for how torture can be studied, traced, and proven, given that biological processes work in favor of torturers, e.g., physical scars often fade within six weeks after torture.

The Universal Body vis-a-vis the Local

One can argue that the Istanbul Protocol contributes to the medicalization of human pain by reproducing the belief in the universality of bodily experience and the psychological repercussions of torture. Still, the writers of the Protocol developed a flexible template for the medical examination of torture and warn the investigators about the dynamic nature of the torture diagnosis process (Protocol, I. 2004: 59). The Protocol promotes locally situated ways of understanding, seeing, and registering state violence and bodily harm thus providing an alternative theorization of the relationship between expert witnessing and state violence. When meaning is attributed to bodily pain and torture it is always mediated by political ideologies at the local level. Hence, the Foundation constantly deals with the limitations of universal frames of reference. For example, the term trauma and post-traumatic stress disorder are frequently used to address psychological repercussions of torture. However, physicians and psychologists of HRFT regularly encounter patients/applicants who refuse to be recognized as traumatized or as victims and to receive any psychological therapeutic assistance after being tortured. Such interactions between applicants and physicians at the Foundation not only challenge

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torture.

universal analytics used in medicine to address the effects of torture, but also pave the way for an alternative understanding of the relation between political violence, the body, and subjectivity. In many theories of trauma, the experience of torture destroys the meaning making capacities of victims such that they experience the loss of the link between the mind and the body.

But many applicants to the HRFT are members of radical political parties and groups in Turkey and see themselves as actors who will bring about revolutionary social and political change. Thus, for them, torture does not mean an unexpected pain inflicted on the body. Most of them take the risk of being tortured from the moment they join a radical political party. For example, the applicants to the HRFT who are sympathetic to the tradition of the "Revolutionary Left" refuse to receive psychological support from the Foundation unless serious need on the part of the applicant is stated. Psychologists, physicians, and psychiatrists working at the HRFT spend many hours discussing how to contribute to the well being of torture victims who do not ask for psychological counseling. They never try to convince the applicant to receive psychological support if he or she doesn't want it. This compels them to think about alternative ways of supporting torture victims. One solution they consider is to employ a social worker that helps each applicant with problems they experience at work, school, or home.

Another example of how the terms/descriptions/diagnoses used in the Istanbul Protocol is flexibly practiced in real life by physicians at the HRFT is the case of two women who are regular applicants of the HRFT. On a cold December day in 2012, as I was sitting in the waiting room of the Foundation, chatting with an intern and organizing the files the secretary gave me that morning, two middle-aged women arrived. Although

they did not have an appointment, they said they wanted to see Dr. Yelken if she were available since they already knew her. One of the women had difficulty walking. After being welcomed, the doctor took her previous file from the archive room and quickly reviewed it and took the woman to the examination room. The secretary and I figured that the woman had probably gone to a press statement organized by the political party of which she is member in order to protest the arrest of several of their comrades the previous night. We had seen on Twitter that the police had attacked the protestors with water cannons and tear gas. We later learned that woman was in fact knocked to the ground because of pressurized water and that is why she now had serious back pain. When they left the room the doctor told the secretary that she was going to need a consultation. She was one of HRFT's regular applicants and had been subjected to various forms of police violence such as tear gas, beating, and pepper spray in the years Dr. Yelken had known her. After the two women left the office with prescriptions and consultation appointments, Dr. Yelken said, "Physical and psychological trauma never ends for her. There is no post-trauma moment. As long as she is politically active, she will continue to be subjected to police violence. How are we suppose to diagnose her with post-traumatic stress syndrome?"[41] She also said her experiences can be seen as an example of a complex trauma. There is no end to trauma for her as long as she is politically active. This observation holds for members of many marginalized political and social groups in Turkey.

Having close relationships with marginalized political, ethnic, and sexual minority groups, the HRFT staff knows for what purposes torture is usually practiced,

[41] Interview with Dr. Yelken, December 24, 2012.

which groups are more likely to be subjected to police violence, and under what conditions. While most global humanitarian medical practices are based on intense and short-lived relations with the surrounding populations, the practices of the HRFT staff are not dispersed or deterrritorialized, but rather embedded within local political networks. The founders of the HRFT have strong affiliations with radical leftist movements. Rather than detached empathy, compassion, or pity, sympathy and comradeship characterize encounters at the HRFT most of the time. The staff and the applicants meet frequently outside the HRFT office, at protests, press statements, and conferences. Some of them are even close friends. However, these relationships make the **neutrality** of the HRFT questionable in the eyes of state authorities. Since the anti-torture activities of the HRFT are seen as a direct challenge to state authority, the state often wanted to use such relationships as evidence against the HRFT. As a result, throughout the 1990s and 2000s, the HRFT staff and centers faced various lawsuits.[42]

To have such close relations with the applicants is also risky for the HRFT because the reports they prepare might be discredited for being partial and "pro-terrorist" or "pro-leftist." Indeed, the head of HRFT, Sebnem Korur, was accused of being a sympathizer of a radical Maoist party, a radical leftist party, and a radical Kurdish party in the last two decades at the courts, in newspaper articles, and by public prosecutors, etc.[43] Her statements were often featured in newspaper headlines, such as when she

[42] For example, in 1995, under the coordination of the Ministry of Foreign Affairs, representatives from six ministries and security and intelligence agencies of the state held a meeting to take measures against the HRFT and finally filed a lawsuit, claiming that "the HRFT's treatment centers for torture victims were illegal" (Önen 2010: 298).
[43] She wrote an article, ironically titled "Dönek!", about this paradoxical situation in 2013 http://www.evrensel.net/kose-yazisi/69837/donek.html#.U-h9TkilhLc, accessed June 1, 2014.

shouted at the police: "one day you will need human rights, and that day we will be there for you" when the police prevented the representatives of HRA and HRFT from making a press statement on the Human Rights Day on December 10, 2013.[44] In a similar vein, Dr. Şükran, who has worked as the representative of the Istanbul branch of the Foundation between 1993 and 2014, says that the doors of the HRFT are open to everyone, including even the torturers, if one day they are subjected to torture.[45]

Having established long-term relationship with the local population and being familiar with the local hierarchies of power and the political atmosphere of the country, when, where, and how police violence would occur is never fully unexpected of the HRFT. Being familiar with the political shifts of the country, HRFT physicians knew that the day after a police raid on a radical Marxist-Leninist party, or the day after a "banned" public protest, was going to be a day of urgency at their office. In other words, their familiarity with the political context enables them to almost instantaneously detect emergent situations in advance of their occurrence. For example, when the Istanbul governor banned May Day celebrations in Taksim Square in 2013, trade unions, leftist political parties, and non-governmental organizations knew that there were going to be clashes between the police and protestors.[46] It was also very likely that some protestors

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[44] http://www.yuksekovahaber.com/haber/fincancidan-polise-ders-118303.htm, accessed June 1, 2014.
[45] Interview, March 5, 2013.
[46] Taksim Square has an historical and symbolic importance for workers' movements in Turkey. On May 1, 1997, the international Labour Day in Taksim Square turned into a massacre. Shots were heard that caused panic among the crowd, which resulted in the death of 34 to 42 people. Since 2007, the Confederation of Revolutionary Trade Unions of Turkey (DİSK) have insisted on celebrating Labour Day in Taksim Square. Labor Day celebrations in Taksim Square were declared unlawful by the representatives of the government, except in 2010 and 2011. This caused serious clashes throughout the day between protestors who want to enter Taksim Square and the police.

would be exposed to heavy tear gas, or would be severely injured with plastic bullets or tear gas canisters. This alarmed the HRFT staff, who made announcements via social media that the HRFT would be open early in the morning until late at night on May 1st to help those who were be subjected to any form of police brutality and/or torture. As expected, heavy clashes did take place on the 1st of May 2013, and afterwards dozens of people visited the HRFT for treatment and documentation. Doctors took extra shifts to make sure that every injured person saw a doctor as soon as they came to the HRFT. The next day the secretary of the HRFT called all representatives of leftist political parties, student associations, and trade unions to remind them that they should strongly encourage their members who were injured due to police violence to contact the Foundation to receive treatment and alternative forensic reports if needed.

Expert Witnessing through Alternative Forensic Reports

The expert-witness has become a key figure in humanitarian witnessing and human rights activism (Givoni 2010: 162) since the early 2000s.[47] This new collective form of expert witnessing uses personal testimony, statistics, and facts for the benefit of the moral good, public interest, or universal humanistic values (Redfield 2006). Compounded further by

[47] Critical studies of humanitarianism emphasize the importance of the rupture brought about by the new humanitarianism of the 1970s (Fassin 2012; Fox 1995). Despite sharing its genealogy with classical humanitarianism, this new humanitarianism makes a novel claim regarding the question of neutrality: Humanitarian organizations should be "unfettered by the constraints of national and international mandates" (Redfield 2008: 151) and should speak out and bear witness to human suffering and violations of human rights (Fox 1995). They should reject the legitimization of suffering on any political or ideological grounds. This type of engagement demands ethical action and the prioritization of human life and human dignity over corporate or state interest. However, there is a tension "between neutrality and the duty to bear witness" (Ticktin 2011: 83) embedded in the new humanitarianism. Nevertheless, how this tension unfolds depends on the concrete configurations of the discourses, practices, and institutional frameworks of humanitarianism in any local context.

the increased importance of forensic science and legalistic strategy in humanitarian testimonial practices (Weizman 2011), the activities of the HRFT can also be seen as an "ethically motivated objectivist inquiry" (Redfield 2006: 5). In this form of truth telling, "questions of facts and questions of value are not decoupled, as in modernist conceptions of science, but rather conjoin around suffering bodies" (Redfield 2006: 19). However, in Turkey, it is not only around suffering bodies, but also "against" and "in relation to" the question of state violence that this ethically motivated expert witnessing of the HRFT takes shape. That is why the question of neutrality becomes all the more complicated in the HRFT's experience.

The human rights physicians interested in the rehabilitation and documentation of torture and who contributed to the preparation of the Istanbul Protocol are also expert witnesses. They make public statements on the forms and transformations of political violence in Turkey. This form of ethically motivated expert witnessing drives the writers of the Istanbul Protocol to claim that:

> This Protocol is more than a set of guidelines and standards; it is a statement of purpose and responsibility, a remedy to silence, and a plan for action. Health workers cannot afford to stand by as silent witnesses to the human suffering that is caused by torture and ill treatment. What is at stake is not only the individual's and community's well being and our professional credibility as healers, but the safeguarding of our humanity. (Iacopino et al. 1999)

According to the Istanbul Protocol, the main purpose of the written or oral testimony of the physician is to provide expert opinion on the degree to which medical findings correlate with the patient's allegation of abuse and to effectively communicate the physician's medical findings and interpretations to the judiciary body or other appropriate authorities. In other words, they do not simply provide medical relief for torture victims

but also produce testimonies on behalf of them.[48]

As mentioned above, HRFT's witnessing to police violence differs from the types of public testimonies circulated by some European humanitarian organizations, where an emotional and moral language and imagery dominate (Calain 2012). Instead of using images of suffering bodies (Calain 2012), or employing genres of writing that mobilize emotions, physicians at the HRFT hold to clinical medicine. Medico-legal reports they publish describe regularities and patterns using statistics based on medical data. Detailed stories of torture victims are rarely used in the documents and reports of the HRFT and are reserved for cases in which statistical data is not sufficient to make any generalizations.

The HRFT generates two types of data. First, they prepare daily human rights violation reports by monitoring newspapers and internet sites. Information gathered from these sources are turned into human rights violations data only after being confirmed by other sources. The second type of data they publish is based on information gathered from those who apply to the HRFT with torture allegations each year (Göregenli and Özer 2010).[49] In these reports, applicants are classified according to torture type, age,

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[48] The novelty of these expert testimonies becomes clearer when we compare them to survivor testimonies. First of all, these doctors are second hand witnesses to the violent incident; they themselves did not experience it nor witness it directly. They encounter it through the scars on the body of the victim and his or her story. Moreover, different from victim testimonies, physicians at the HRFT avoid genres that mobilize emotions or feelings of compassion or empathy: they hold to medico-legal report writing genres. The means through which they make their testimony public is also different. They draw on clinical, statistical, and epidemiological data gathered from medical reports. While survivor testimonies are valuable in their singularity and uniqueness, physicians' testimonies are collective and aggregate. Different from eyewitness accounts that rely on memory, experience, and testimony, expert witnessing is based on active presence, monitoring, documentation and the reporting of human rights violations.

[49] To this end, the HRFT receives two types of applications: chronic and acute. If the incident occurred within the past month, it is usually referred to as acute; otherwise it is referred to as

gender, education, place of birth and other characteristics. This enables the HRFT to construct a population of torture survivors.[50] The HRFT reports also show how the distribution of this population across Turkish society changes over the years. These clinical and epidemiological data are used to make public statements that expose and condemn the systematic nature of torture. This data relies on the daily practices of human rights physicians who sought to detect and document various types of torture; in the long run, this data has political implications for re-defining the boundaries of what acts security forces commit can and should be classified as torture. The experience of Dr. Beyaz in Izmir is one of the earliest examples of this.

Legitimate Boundaries of State Violence

Dr. Beyaz, whom I interviewed in Izmir, was working at the Commission against Torture within the İzmir branch of the Human Rights Association during the 1980s. He is a world-renowned orthopedic trauma specialist and played an active role in the establishment of the Izmir branch of HRFT in the early 1990s. His engagement with anti-torture struggles began after his son was tortured in prison in the late 1970s. Feeling desperate that he could not prevent what befell his son, Dr. Beyaz began thinking of ways to use medical procedures to detect physical signs of torture long after the abuse had

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chronic. When dealing with acute cases, the HRFT physicians act urgently in order to make sure the applicant will receive the necessary medical treatment as soon as possible. If torture has any life threatening consequences for the person, he or she is first immediately sent to a fully-fledged hospital for consultation and costs are covered by the Foundation. Most cases that the Foundation treat are, however, chronic and necessitate regular medical treatment such as long-term physical therapy or psychotherapy sessions.

[50] The differences between applicants, say in terms of their political background, are erased in order to imagine and act upon a population of torture survivors (Fassin 2012: 239).

occurred. He also worked actively in the preparation of alternative medical reports in the Izmir region. Human rights physicians like Dr. Beyaz established long term relationships with their applicants,[51] who were either members of leftist political parties or of Kurdish origin. Each time these politically "dangerous" people were detained and experienced torture, they would visit human rights organizations. The close ties between physicians and victims of political violence enabled physicians to observe how techniques of torture changed over the years. Moreover, it became increasingly clear to these doctors that alternative medical reports were an effective tool to fight against torture by accurately documenting acts of torture.

Dr. Beyaz told me that in order to verify that torture had occurred he first tried a needle biopsy procedure to detect if trauma continued under the skin after the scars on the body have disappeared. This procedure turned out to be ineffective. Later, he and his colleagues decided to use a bone scintigraphy method to detect signs of torture on bones. This method was effective and they were able to determine if someone was subjected to falanga torture[52] even when there were no external signs on the soles of the feet. This invention had unprecedented and immediate consequences for the way enforcement officials inflicted violence on detainees. Dr. Beyaz explains: "As we prepared torture reports based on scintigraphy, more and more police officers working in the İzmir area began to face trials. Then they were overcome with panic and in a year or two they stopped using falanga torture in the Izmir area"[53]. However, this did not mean that torture

[51] The HRFT doctors prefer to use the term applicant instead of patient, victim, or activist to describe those who visit their offices in order to receive medical treatment.
[52] Falanga torture is the beating of the soles of a person's bare foot.
[53] Interview, Dr. Beyaz, August 15, 2013.

came to an end in that region. Dr. Beyaz continues:

> After a short while we realized that the number of people suffering from testis twisting torture who applied to the HRFT increased rapidly. We also managed to prove testis-twisting torture by using a dynamic scintigraphy method. In response, the police switched their methods again and began using electrical torture excessively and extensively. In order to prove electrical torture we decided to apply needle biopsies on the burn lesions where the electric shock was implemented. After this, the police began to appear before the court due to electric torture allegations.[54]

As this example shows, forensic medicine physicians have challenged not only the epistemology of forensic medical practices in Turkey, but also have revolutionized the tools and techniques that are used in the documentation of torture. If the state had not invested forensic medicine with such authority, and if the survivors and relatives of the dead did not establish narrative and material links and connections with doctors, these developments could probably not have taken place. It was through the testimonial struggles of torture survivors at the sites of human rights institutions and their witnesses that experiences of torture could be included in scientific methods as well as in the reports that physicians produced.

Excessive Use of Force vs. Torture?

The physicians at the HRFT have produced the most comprehensive data on torture in Turkey in the last three decades, not only through the daily examination of torture victims but also through reporting every allegation of torture. Thus, their work enables us to trace how forms of political violence have changed over the years. In a recent publication by the HRFT summarizing the historical trajectory of the changes in the forms of torture, the

[54] Interview, Dr. Beyaz, August 15, 2013.

writers argue that "[v]iolence and torture are becoming widespread and turning into an almost collective and ordinary experience both for the perpetrators and the victims," yet, they mention the increasing use of the term "excessive use of force" instead of "torture" and how this implicitly legitimizes the widespread use of violence by security forces during mass protests (Göregenli 2005). According to them, this shift in terminology has serious implications. In a video clip prepared by the HRFT titled "Say No to Torture!" we see scenes from public demonstrations and meetings where the police uses batons or tear gas against people and the voice-over explains that being beaten by the police means torture. The head of the HRFT, Dr. Fincancı, explains this point further in an interview conducted by Ayça Söylemez: "The crime of torture can be committed on the streets; you don't have to have special torture methods applied for torture to occur. The most common type of torture is beating. It is now being committed on the streets, within police cars, and in abandoned places"[55]. In a similar vein, while recording the stories of applicants during medical examinations, the physicians at the HRFT make sure to re-phrase their questions concerning torture. Dr. Şükran explains:

> In many situations, the applicants don't count beating or being slapped on the face as police violence or torture. They do not even mention these. So we ask the applicant if the police officer has beaten, slapped, or hit them, or if he cursed at them, sexually harassed them, etc. You have to name all those different kinds of violence so that he or she can discuss them. Torture is such an abstract term.[56]

In many situations, there is then an ambiguous demarcation between the excessive use of "riot control agents" and their being used as torture weapons by the police. This demarcation is drawn in practice and this practice becomes knowable through various

[55] The rest of the interview is available at http://www.bianet.org/bianet/insan-haklari/139348-sokaktaki-dayak-da-iskencedir accessed on August 12, 2014.
[56] Inteview, Dr. Şükran, March 5, 2013.

forensic techniques. As mentioned above, the Atlas of Torture and Istanbul Protocol are the two main technical tools developed by the HRFT to analyze the processes through which this line is being drawn and re-drawn over time. Human rights physicians have the opportunity to immediately detect changes in the torture policies of the state because they have the most up-to-date statistical data on the ways in which the security forces inflict violence.

Conclusion

The scope of state violence in Turkey has begun to change in the 2000s. The policy measures to consolidate various democratic reform packages as part of the European Union (EU) integration process, and the intermittent ceasefires declared between the PKK and the Turkish State after the arrest of the PKK leader Abdullah Öcalan in 1999, created a political atmosphere in which brutal forms of state violence (including torture) have become less sustainable for the image of the state at the national and international levels. Parliamentary Human Rights Violation Investigation Commissions, which prepared detailed reports on the use of torture in official detention centers and prisons in the first half of the 2000s, played a crucial role in this regard. As a continuation of these developments, the Justice and Development Party (AKP) government announced their "zero tolerance against torture" policy when they came to power in 2002. Besides these changes in the political sphere, there were material changes on the ground that contributed to this transformation: police stations were equipped with surveillance cameras as stipulated by new laws and regulations in line with the EU harmonization process (Saymaz 2012: 25-44). Furthermore, "classical forms of torture" had also become

much less necessary for gathering information because the police were now equipped with highly sophisticated monitoring and surveillance technologies such as bugging and wiretapping technologies. Turkey's history of democratization in the last three decades can also be read as the replacement of brutal forms of violence (such as torture and forced disappearances) with that of 'non-lethal' forms (such as tear gas, stun guns, and plastic bullets). I argue that the expert witnessing practices of human rights physicians in the last three decades have played a crucial role in this transformation. My aim in this chapter has been to discuss the struggle that occurs around the bodily evidence in Turkey by examining official and alternative forensic epistemologies and the institutional forms they take.

The systematic denial of torture is built into institutions, mechanisms, and practices that deal with the tortured bodies in Turkey. The micro-culture of denial at the ATK is mainly maintained through its forensic epistemology, which draws on aperspectival objectivity. The reports of the ATK deny torture without lying or manipulating, i.e., the report either discusses other possibilities that might have given rise to a particular scar or wound, or it refrains from commenting on what might have given rise to a scar or wound.

Human rights physicians challenged this epistemology by making connections, drawing compatibilities between the scars and the possibility that a particular method of torture might have caused such scars. To this end, they not only mobilized expert knowledge in forensics but also paid significant attention to the stories of torture victims and developed long-term relationships and built trust with them. Although they have never lost empathy toward their applicants, they did not use their own expert witnessing

in an empathic and emotional language in the public domain. They believed that testimonies that mainly rely on stories of suffering would not be as effective as testimonies that rely on expert knowledge. They therefore mobilized their professional expert witnessing through alternative and independent medical reports and translated torture incidents into forensic documents, culminating in the production of the Istanbul Protocol and the Torture Atlas as universal toolkits. More importantly, through using these universal toolkits they challenge the denial regime of the state before the face of political violence.

In this chapter I establish that as medical inspection and documentation techniques grow more sophisticated, so do the forms of violence inflicted upon certain populations and groups.[57] Alternative medico-legal documentation practices of the HRFT have recently begun to undermine the legitimacy of 'non-lethal' forms of violence by challenging the principle of 'proportionality'. According to Weizman (2011), the underlying principle of the present moment is the fact that the use of justifiable levels of violence and of humanitarian/military interventions is allowed in times of emergency. While the 1970s and 1980s are characterized by "testimony on behalf of the victim," we see the dominance of political and military force in the 1990s. The 2000s are however characterized by a legalistic strategy, which allows the use of proportional levels of force.

[57] I should add that anyone (women, thieves, beggars, street children, LGBTI individuals, etc.) who interacted with the security forces in police stations and prisons were under the risk of being subjected to classical forms of torture in the 1980s and 90s, but this chapter draws from the torture incidents where people were tortured specifically for political reasons. Political activists are vocal about their experiences of torture and, most of the time, are not scared to demand justice. Thus, their cases become public more easily and human rights physicians can more easily have access to them. Moreover, it is against and in relation to political activists, that is, potential terrorists, that the regime of denial is constructed.

For example, the last sentence of the definition of torture according to the United Nations Convention Against Torture in Article 1 of Part 1 maintains that: "[Torture] does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions."[58] According to the Turkish Penal Code, these lawful sanctions are restricted by the principle of proportionality. "A public official or other persons acting in an official capacity" has control over the use of force, but this force should be applied proportionally. Article 16 of the Powers and Duties of the Police Act regulates the principle of proportionality in Turkish law:

> In cases of resistance by persons whose arrests are necessary, or by groups whose dispersal is necessary, or when groups or persons are threatening or suspected to carry out an attack, the police may use violence to subdue these actions. The use of violence refers to the use of bodily force, physical force, and all types of weapons specified in the law, and it *gradually* increases according to the nature and level of resistance and attack in such a way as to restore calm. (Italics added)[59]

Here the emphasis on *gradually* (*as much as proportionality*) is crucial because it creates an ambiguity regarding what degree of police violence will be considered just and necessary. The distinction between torture as an abnormal practice and the "legal" violence perpetrated by security forces cannot be easily sustained. On the contrary, the distinction becomes a matter of "gradation". In the next chapter I will demonstrate how previously legitimate and acceptable forms of state violence are eventually considered unacceptable and illegitimate when their bodily and psychological consequences can be detected through the tools and techniques of expert witnessing, as for example with the

[58] The Convention is available at http://www.un.org/documents/ga/res/39/a39r046.htm, accessed on August 12, 2014.
[59] The Act is available at http://www.mevzuat.gov.tr/MevzuatMetin/1.3.2559.pdf, accessed on August 12, 2014.

Gezi riots.[60] Terms such as "proportionality" or "lesser evil" then introduce less acceptable uses of force that are legitimately available to states. The boundary between acceptable/legitimate and unacceptable/illegitimate forms and levels of violence is constantly made and re-made in relation to the inspection and documentation practices of humanitarian physicians and human rights activists.

Drawing on the dynamic relationship between the use of alternative clinical evidence and emergent forms of state violence, I argue that as physicians develop complicated forensic techniques to detect torture, not only the methods of torture, but also the boundaries of the very field of the legitimate use of violence, change. The experiences of human rights physicians in Turkey show that one can strategically extend the definition of torture by using various medical diagnostic techniques for detecting, analyzing, and classifying bodily and psychological injuries perpetrated by law enforcement officials. The first two chapters focus on the struggles between official and alternative forensic epistemologies in determining the terms of truth making regarding the tortured and injured bodies in Turkey since the 1980s.

In the third chapter, I will however examine in more detail the workings of the ATK when dealing with the forensic medical issues concerning political bodies, especially when they endure pain. To this end, I will focus on three moments when the suffering body of the political prisoner becomes the site of struggle between different medico-legal actors both in official and non-official settings.

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[60] Here my analysis focuses on allegedly non-lethal forms of violence. However, I should note that the changes in the Turkish Penal Code and Powers and Duties of the Police Act in 2004 and 2007 respectively increase the discretionary power of the police and the police's right to use firearms (Berksoy 2013).

Chapter Two

The Criminalization of Physicians and the Delegitimization of State Violence During the Gezi Riots

As discussed in the previous chapter, medical knowledge and practice play a crucial role in the regime of the denial of violence in Turkey. This chapter focuses on the practices of voluntary physicians vis-a-vis the government's denial of the seriousness of the health consequences of police violence[61] during the Gezi riots[62] in Turkey. During the Gezi events, the denial of state violence was most clearly exemplified by the Prime Minister Recep Tayyip Erdoğan in a press statement where he compared recent political upheavals in Turkey and Egypt: "In Turkey one person, two persons, three persons, four persons die while exerting violence against the police and they turn the world upside down with tweets and Facebook. In Egypt, 300 have died, including 53 while praying, and the whole

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61 According to the Physicians for Human Rights' Gezi report: "The police have used about 130,000 canisters of tear gas on hundreds of thousands of demonstrators, often at close range and in closed spaces. The Turkish Medical Association gathered evidence on more than 8,000 injuries due to tear gas, rubber bullets, water cannons, beatings and live ammunition. Fifty-nine protestors have been seriously wounded, 11 others lost their eyes, and five civilian deaths have been linked to unnecessary and/or excessive use of force against protestors" (PHR 2013). The number of civilian deaths in the Gezi related protests would rise to eight in the following months.

62 In this chapter I use the terms Gezi, Gezi Events, Gezi Resistance and Gezi Riots interchangeably. All four are widely used in Turkey when discussing the weeks long anti-government protests that started on May 31, 2013 with the demolition of the Gezi Park in Taksim Square in Istanbul and immediately spread across the country turning into a mass uprising demanding more democracy and freedom. *Cultural Anthropology* edited an online volume on Gezi entitled "An Impromptu Uprising: Ethnographic Reflections on the Gezi Park Protests in Turkey." This useful volume brings together short ethnographic pieces that reflect on Gezi vis-à-vis various topics and concepts such as the Kurdish question, gender, memory, queer theory, body and the use of visuals. Also see *JadMag*'s edited volume *Resistance Everywhere: The Gezi Protests and Dissident Visions of Turkey* (Alessandrini et.al 2013) for a collection of thoughtful articles that explore the Gezi protests. See also Tugal (2013) on the relationship between Gezi and the neoliberal policies of the government and Babul (2013) on Gezi in relation to the EU accession process and police violence.

world is silent" (*Hurriyet Daily News* 2013a). In comparing how casualties occurred in Turkey and Egypt (while exerting violence against the police in Turkey, while praying in Egypt), Erdoğan trivialized and normalized the deaths of the Gezi protestors. This trivialization by the head of the government of the Gezi deaths and injuries indirectly delegitimized the acts of the voluntary physicians of Gezi.[63] Indeed, as soon as the events began, the government took a series of legal and bureaucratic steps that criminalized emergency medical care provided by the voluntary physicians to the Gezi protestors. The police systematically attacked all makeshift and permanent infirmaries and arrested voluntary physicians, nurses, and medical students working in these infirmaries. Voluntary physicians and their associations responded to such hostile acts of the government by further mobilizing their professional networks for the medical treatment of demonstrators. Drawing from their previous experiences in natural disasters, they effectively organized temporary infirmaries, i.e., first aid units for the injured protestors.

The Gezi physicians were subjected to police violence in these infirmaries, but they also became first hand witnesses to the extent and scope of police violence through their encounters with hundreds of injured bodies in these infirmaries. Moreover, inspired by the anti-torture struggles of physicians over the last three decades in Turkey, they mobilized systematic expert witnessing techniques. Clinical witnessing and documentation of violence played a pivotal role in challenging the government's regime of denial in the face of the severity of the negative health consequences of police violence. The debates over clinical practice during Gezi went hand in hand with the constant redrawing of boundaries between the legal and the extralegal. Various state and

63 They are also called the "voluntary physicians of Gezi" or "Gezi physicians."

non-state actors such as health workers, bureaucrats, politicians and demonstrators sought to render each other illegible and illegitimate by drawing on national and international regulations, laws, and conventions concerning the provision of emergency care. The controversy concerned which actors, institutions, and organizations were entitled to provide emergency care and when, where, and how. This chapter explores the interaction between the criminalization of clinical practice through legal and coercive means by the government, and the delegitimization of state violence through clinical practice during the Gezi Riots. I argue that this interaction not only reveals the fault lines of the Turkish state, but also sheds light on how medical expertise emerges as an important field with epistemological, discursive, and practical implications for making claims and taking positions in the political realm. At a broader level, I argue that exploring police violence and bodily injuries and sufferings during the Gezi riots through the lens of mobilization, regulation, and the oppression of clinical practices and knowledge enables us to think simultaneously about violence and the ordering functions of the state (Das 2004) as well as how these two aspects interact in the making and unmaking of the state in times of crisis.

In this chapter, I also explore the ways in which Turkish human rights physicians appropriate the notion of medical neutrality that was originally developed to protect medical personnel during war and humanitarian emergencies and has been codified within international humanitarian law. I am especially interested in the consequences of such invocations and how they unfold on the ground in the absence of the international legal protections with which they are associated.

To these ends, I raise the following questions: how does the notion of a

political/social emergency legitimize and inspire emergency medical care in such a way as to re-structure the relationship between politics and medicine? How do previous struggles against police violence, specifically torture, inform voluntary medical practices during political emergencies? How do we know/recognize or deny state violence, "illegality," or the "disproportionate" use of force? What role does forensic and clinical medicine play in making state crime into a recognizable fact? Under what conditions does a medical document gain the status of evidence for state crime or, alternatively, becomes a document that can aid denial? Who can speak as an expert on state violence or who is authorized to testify about state violence? How is this authority challenged?

Methodologically, I draw on my personal observations of the workings of makeshift clinics during the Gezi events. At that time I worked as a volunteer at the Human Rights Association, which was in close proximity to the main infirmary from which most makeshift infirmaries in Istanbul were organized. I was bringing medicine and people back and forth between the Association and the main infirmary. This gave me the opportunity to observe the atmosphere of the infirmaries, how fear and panic were enmeshed with excitement in these places. I also interviewed 10 physicians who worked in temporary or permanent infirmaries during Gezi. I inquired about the ways in which they became involved with the events, what motivated them, and how this experience changed them personally as well as in terms of their professional and political subjectivities. I analyzed the recent bill that reformulates emergency care provision, as well as the lawsuits that were filed against the Gezi doctors. I also studied press statements, leaflets, pamphlets and web pages prepared by the Gezi doctors about their rights and responsibilities in times of political emergency. These written documents

crystallize different positions taken by the state and non-state actors concerning the role of medicine in times of political emergency. I also followed two campaigns organized by the Gezi doctors in the aftermath of the events. The first campaign concerned banning tear gas. The second concerns building a solidarity network for the Gezi doctors who face lawsuits. I attended the symposiums, press events, and meetings organized as part of these campaigns, which enabled me to follow debates regarding the relationship between medicine and politics and the role of physicians and the principle of medical neutrality in times of political emergency.

In what follows, I will first discuss how infirmaries were formed at the outset of the riots and became the target of systematic police attack. I will focus specifically on one critical event during which the Ottoman era Dolmabahçe mosque was turned into a makeshift infirmary for three days. This incident became the key reference point for discussions on emergency medical care and violations of medical neutrality during the Gezi protests. In the second part, I will discuss laws, regulations, and lawsuits that seek to criminalize Gezi physicians and how the latter in turn responded to the government's criminalization campaign by further resorting to notions of universal medical ethics and medical neutrality both in their court defense and public statements. Finally, I discuss how by mobilizing certain expert witnessing techniques (through data collection, testimony, and witness gathering), these physicians showed the extent of police violence during Gezi in such a way as to delegitimize and re-classify the excessive use of riot control agents under the legal category of torture. I conclude with a reflection on the limitations and possibilities of a medicalized gaze for understanding political violence and its broader implications for politics.

Temporary Infirmaries and the Question of Medical Neutrality

I remember a moment from the third day of resistance when approximately 10 doctors were walking across the crowd in Taksim Square with their white coats, helmets, goggles and gasmasks on (indicating that they were coming from the barricades). One person among the protestors shouted, "doctors are coming," hundreds of people stopped, opened the way for them, and clapped their hands as they walked by.[64] This feeling of solidarity characterized the relationship between the voluntary physicians and protestors throughout the Gezi Events. The physicians emerged as some of the key figures of the Gezi Resistance.

Physicians took to the streets of Taksim in Istanbul like many other professionals on May 31, 2013, the first day of the Gezi Resistance. At first, they were not carrying any extra medical equipment or pharmaceuticals. Yet, things changed rapidly toward the night as police attacks worsened. Systematic police attacks with tear gas, plastic bullets, water cannons and pepper spray did not stop for days to follow. However, depending on the location and severity of the clashes between the protestors and the police, the number of people injured was changing. The Turkish Medical Association, the professional association and registered trade union for doctors in Turkey, established the first infirmary in Taksim on June 1st. This infirmary became the main center where physicians gathered, medical equipment was distributed, and the planning of the mobile and

64 Field notes, June 5, 2013.

temporary clinics took place.[65] These mobile infirmaries at times exceeded 10 and were being established every day in the side streets of Taksim where clashes took place. They were run by volunteer physicians, nurses, practitioners, paramedics, specialists and/or medical students. One young doctor, Elmas, who is a forensic medicine and public health specialist, described how she ended up being one of the organizers of the network of makeshift clinics in the Taksim area:

> We had our names listed in the central infirmary in Taksim. But there were more than enough doctors there so we decided to be mobile and went around to treat injured protestors. At first we carried only Anestol pomade, Bepanthen cream, Ventolin solution; then we started to carry injectors, gauze bandages, Baticon, etc. We were carrying anything we could with us. We would find out where protestors were having a hard time via social media or through friends. We would go there and establish a temporary first aid unit. We would try to find the best available place in that area and ask the shop owners if they would allow us to establish an infirmary in their shop. We would announce the address via our social networks and twitter, and inform the main infirmary about our undertakings as well. Injured people in that area would be brought to us. But we would not stay in one place more than one day because the police would blockade the place or throw tear gas inside, making it impossible to work.[66]

The Turkish Medical Association became involved in the organization of mobile infirmaries on the second day of the events by sending voluntary physicians to areas where they were needed most and by providing them with the necessary first aid equipment and medicine.[67] Temporary infirmaries were usually announced via social media, but since this increased the risk of police harassment, in the course of events people increasingly relied on personal networks of communication for locating the addresses of new infirmaries. This tactic helped to delay police harassment. Sometimes

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65 There was another permanent infirmary within the occupied Gezi Park.
66 Interview, Dr. Elmas, February 3, 2014.
67 Interview, Dr. Ahmet, a representative from the Turkish Medical Association, February 13, 2014.

they would put a lookout in front of the infirmary to see if the police were close. If so, they would turn off the lights, close the door, stay silent and wait for them to pass by. But as a rule, not a single infirmary could stand more than a day in one place either due to police harassment or the fear of each shop owner.

From the very beginning of the Gezi Protests, police attacks were more brutal in Ankara[68] than in Istanbul. One of the coordinators of the Ankara infirmaries describes the first attack she experienced at one of the three permanent infirmaries as follows:

> Three main infirmaries were established close to the areas where clashes took place in Ankara during the first few days of the events. I was working in one of them. People with serious head, stomach, and eye traumas kept coming. We were providing first aid treatment, and then trying to transfer the seriously injured to hospitals. At one point, we learned via social media that the police attacked the other two infirmaries and were coming toward ours. We thought that even enemies in war wouldn't touch doctors and the wounded. We didn't think of leaving the place. I was making stitches at the time of the attack. There were approximately 100 people there. 25 of them were doctors. 25 of them had severe traumas or were exposed to intensive tear gas. 50 of them were under supervision. The last group was at the cafe section. At the back of the building there was a gallery section where the heavily injured rested. But there were no windows in this section, only a door. Then the police attack started. They shot gas canisters inside and cut off the electricity. It was dark inside. I was at the gallery section. Anyone leaving the infirmary was being beaten. We heard people being beaten. For 10 minutes we could not leave where we were. They threw 2 gas bombs at us. There was too much noise. It was like a war zone when we left after the police withdrew. They attacked all the infirmaries in Ankara since that day. They destroyed all the equipment. We continued to establish new infirmaries, and they kept attacking.[69]

Dr. Ayse describes this police raid as a traumatic experience for herself and her friends. She says that they were not expecting the police to attack this way. They assumed that infirmaries would not be attacked under conditions of war. They then realized how fragile

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68 In Ankara, clashes were very intense too and the Ankara Medical Association also faced lawsuits for establishing infirmaries during Gezi.
69 Interview, Dr. Ayse, February 5, 2014.

their position actually was.

The violation of medical neutrality is indeed a war crime, a grave breach of the Geneva Conventions and humanitarian laws. The main idea behind medical neutrality is the principle of noninterference with medical services in times of armed conflict. However, riots and non-armed conflicts are not recognized in international humanitarian law, and conflicts that do not take place between different sovereign states are not covered by the Geneva Convention. That is why many international humanitarian medical organizations such as Doctors Without Borders (MSF) increasingly rely on medical ethics "which require medical personnel to deliver treatment to all individuals" rather than international humanitarian law and the protection of medical neutrality when defending their humanitarian activities (Kreisel 2007). In a similar vein, the Gezi physicians did not benefit from any international protection under the principle of medical neutrality in international humanitarian law. On the contrary, legal, bureaucratic, and political pressures exerted against these physicians and temporary Gezi infirmaries were first of all intended to undermine any sense of safety or exception from violence associated with respect for the principle of medical neutrality. In essence, the state openly refused to recognize the relevance of the principle of medical neutrality in the context of Gezi by intentionally targeting doctors and their emergency clinics with tear gas and police raids. That is why the Gezi doctors drew instead on principles of medical ethics, human rights, and the recent phenomenon of "street" medics (Vatansever 2013) in order to authorize emergency medical care for protestors on alternative grounds.

In order to understand local configurations of the question of medical neutrality, one should look at the daily encounters between doctors, protestors, and the police during

Gezi. Despite the fact that the feel of Gezi was war-like at times, Gezi mostly consisted of unarmed citizens who were using their right to peaceful protest. This meant that the physicians were not the third parties who were providing emergency care for the parties involved in armed conflict. They were not operating on a free, neutral zone. They did not belong to a third party. They were not coming from outside to intervene in a humanitarian emergency. Rather, they were in the middle of the events, next to and within the protestors. Moreover, the constant assault on the principle of medical neutrality with the police attacks in the infirmaries in turn challenged the idea of the neutrality of the state in the eyes of some physicians. The hostile and intolerant attitude of the police toward the medical workers in the clash areas contributed to the politicization of doctors in the course of the events. However, despite being sympathetic to demonstrators, and sometimes wanting to join them, their professional responsibilities prevented them from doing so. One young doctor describes in detail how this distinction between themselves and the protestors unfolded:

> We took to the streets not to help the injured in the first place; we were there to join the demonstrations. But we experienced something different. As you are running away like everyone else from the tear gas or plastic bullets, you hear someone say, "Is there a doctor around?" You stop. A moment of hesitation. You know you are risking your life by not running. But you also know that you have to be there. Or sometimes even if you don't approve a particular action of a protestor, or think that they should act differently, you still go with them as a doctor to treat the injured. This is something that happens automatically. It is self-evident to you. You don't think about it. You just do it. It is ingrained in the practice of medicine.[70]

Those who were in the medical profession were constantly interpellated as "doctors" during the protests. Their priorities as physicians prevented them from fully engaging in

70 Interview, Dr. Elmas, February 3, 2014.

political debates and decision-making processes during the protests even if they would have liked to. They ended up prioritizing *the act of caring*. This was not an ideological choice, but a practical one.[71] Despite the Gezi doctors experiencing such tensions themselves, they were no different from demonstrators in the eyes of state officials. Very early during the events, doctors who wore white coats so that the injured would find them easily became the target of police attacks. Most physicians stopped wearing them when treating the injured. Police action and harassment against the infirmaries were systematic from the first day of the Gezi events onward.

To conclude, in an emergency context in which medical practice is not protected by the principles of medical neutrality, there is a fine line that separates physicians from protestors and this line is commented upon, manipulated, and redrawn by physicians as well as by state actors. I argue that it was this indeterminacy that disturbed the government the most. The government could not tolerate the relatively independent position of the doctors vis-a-vis the protestors,[72] but rather tried to eliminate this distinction by accusing doctors of protecting protestors who they considered to be "potential criminals." Their main purpose was to defame the Gezi doctors by accusing them of aiding criminals and thereby discredit their testimonies concerning state violence.[73]

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71 This situation sometimes distressed young and politically motivated doctors who ended up spending whole nights as on-call doctors at the infirmaries while their peers were on the streets fighting the police. In such situations, they would make jokes with each other and let the bored ones "go to the streets and fight the police a bit." Interview, Dr. Elmas, February 3, 2014.

72 As I will discuss below, it is thanks to this relative independence that the doctors could create the most reliable data for international audiences regarding the public health consequences of state violence through various expert witnessing and documentation practices during the Gezi Protests in Turkey.

73 Many argued that Erdogan Government's strategy is to polarize the country around certain topics in order to consolidate his own electorate base. This argument was most recently raised by the previous vice president of AKP, Dengir Mir Mehmet Firat, on a television program aired on

According to the Gezi physicians, there was another reason why the government was very much incensed by the formation of these infirmaries, which were not only imbued with the suffering of people and the terror of police violence. It was in and around these infirmaries that new networks of solidarity and comradeship among doctors and protestors were also established. They became sites where the kernel of utopic visions concerning health care provision also emerged. According to Dr. Elmas, these places also allowed them to practice medicine collectively: "It was a great experience for me to help the injured collectively. There was something more than patient-doctor relationship there"[74]. Doctors competed with each other to treat more people in these infirmaries. This enthusiasm continued even when there were no clashes. Most infirmaries were relatively quiet during the daytime and people would visit them to receive medical advice for their illnesses. According to the doctors, people could also receive free medical treatment irrespective of whether they had social security (including government subsidized health insurance) that actually alarmed the government. Dr. Canan, who is a forensic medicine specialist and who worked at the Gezi infirmaries, explains: "Health does not have to be a commercial activity. The government did not want people to see that free medical treatment and free medicine are available options in this society."[75] According to her, that is why the government is still conducting investigations regarding infirmaries. They do not want this type of alternative network of solidarity between people and doctors to be established.

March 14, 2014. Available at: http://www.imctv.com.tr/2014/03/14/firat-basbakan-toplumu-kutuplastirmaya-calisiyor/, accessed August 11, 2014.

[74] Interview, Dr. Elmas, February 3, 2014.

75 Interview, Dr.Canan, February 2, 2014.

The defamation campaign against the doctors began with a lawsuit filed against two doctors who served at the Dolmabahçe Mosque infirmary. A new bill that aimed to regulate emergency care and a Ministry of Health regulation that restricted the selling of "Gezi Pharmaceuticals" followed the lawsuit. In the following section I will discuss the government's criminalization campaign and physicians' responses to it. These encounters demonstrate the role of medical practice and knowledge in challenging state sanctioned use of force and how state and non-state actors negotiate this role in ways that challenge or reproduce the existing state order.

Criminalization of Physicians and Pharmaceuticals

When the police withdrew from Taksim Square on June 1st, protests shifted to other neighborhoods, one of them being Beşiktaş, where the Prime Minister's office in Istanbul is located and where the most severe clashes between demonstrators and police forces took place from June 1st–3rd. The number of people injured escalated. Consequently, the voluntary doctors decided to establish an infirmary there. The clashes were taking place at the intersection of the İnönü Stadium, Dolmabahçe Palace, and Dolmabahçe Mosque. This was not a residential area and there were no shops or other closed places that could be used as makeshift clinics. Thus, the voluntary doctors ended up turning the historical mosque into an infirmary.

This mosque infirmary has become emblematic as the site around which many government accusations against the Gezi protestors centered in the following weeks and months. Many representatives of the government publicly announced explicit and implicit links between the act of providing first aid for the injured in the mosque and

various acts of blasphemy. On June 11, 2013, during a parliamentary speech, Prime Minister Erdoğan said: "You are going to enter the mosque with your shoes on, you are going to drink alcohol and desecrate the religious shrines of this country. All in the name of environment. You are going to threaten the muezzin of the mosque so that he lies and says: Nothing like this has taken place. How can this happen? We have all the footage. Our friends will release them on Friday. My people will see them all" (*Hurriyet Daily News* 2013b). Neither the müezzin[76] nor witnesses confirmed these accusations. The footage of such alleged acts was never released. One doctor who worked in the mosque infirmary describes her experience:

> I did whatever needed to be done. I did treat the injured protestors. There were no other closed places in that area. So we had to go there. It was the mosque attendants who opened the doors to us in the first place. We were anxious about being there from the very beginning. But we ended up there the second day as well because there were no other closed places around. We were very careful. We have even assigned a person who was responsible for taking off the shoes of the injured. But after some point, things went out of control, it was very crowded, the attack was harsh. Then the police came, I think, from the sea. They asked the physicians to leave. We did not accept that. The muezzin did the bargaining in our name. We left the mosque with the injured people under the supervision of the police.[77]

The Gezi indictment, which was prepared by the prosecutor's office and accepted by the court on December 2013, lists 255 defendants; two of them are doctors who worked at the Dolmabahçe Mosque infirmary. The Prime Minister's accusation that physicians and protestors were being "disrespectful to the mosque" found its way into the indictment. The prosecutor noted that these doctors committed the crime of disrespecting sacred

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[76] Müezzin is the person appointed at a mosque to lead, and recite, the call to prayer for every event of prayer and worship in the mosque.
77 Interview, Dr. Elmas, February 3, 2014.

places and of protecting the "guilty" instead of turning them over to the police. A number of medical and human rights associations, namely the Turkish Medical Association, Human Rights Association, Human Rights Foundation of Turkey and The Society of Forensic Medicine Specialists amongst others, gathered in February of 2014 to discuss what kind of campaign should be organized to defend their colleagues and the honor of medical practice as well as the universal values of medicine. The press statement prepared by medical non-governmental organizations and read in front of Dolmabahçe Mosque on April 12, 2014 explains: "We said hundreds of times, whatever your laws, circulars, or regulations say, we will continue to follow the universal principles of medical practice as we have been doing for thousands of years since Hippocrates. We will not leave our younger colleagues alone."[78]

The different governmental threats that the doctors faced were not restricted to the lawsuit. During the events, on June 13th, the Minister of Health said that the Ministry was going to lodge an official complaint against the Gezi physicians for providing illegal health services. In order to create a legal basis for this, in December 2013 the Ministry officials drafted a bill that regulated emergency care provision. According to one of the representatives of the Turkish Medical Association who I interviewed, there is no question that this law directly targets the first aid units founded by the voluntary Gezi physicians. According to this bill, which passed in January 2014:

> All practices and procedures related to the delivery of health services shall be under the scrutiny of the Ministry of Health. With the exception of health services in emergency situations by authorized and competent persons until the arrival of formal health services, those who deliver or commission others to deliver health services without proper license shall be subject to imprisonment from one to three

78 Both of the physicians who were sued were very young.

years and an administrative fine equivalent to that of twenty thousand days.[79] All national and international medical authorities and associations criticized the earlier version of this bill, which banned every type of unauthorized emergency intervention. This milder version allows emergency intervention until the arrival of formal health services. This subsequent bill was also criticized on the grounds that it is the nature of medical crisis that determines the need for emergency intervention, not the accessibility of a formal health service (PHR 2014).[80]According to the doctors I interviewed, this bill specifically aims to criminalize voluntary emergency medical care: "If providing emergency care is a crime, doctors ask, why did the government let us volunteer following the earthquake in Van in 2011. They needed us then and let us help them at that time. We were delivering emergency care then too"[81]. Turkish doctors have acquired much experience in how to intervene in natural disasters. During Gezi, they recalled these experiences and re-circulated what-to-do pamphlets that they had prepared for emergency situations. One representative from the Istanbul Medical Association explains the continuities between natural and political crisis situations and how these continuities informed their practice during Gezi:

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79 The 11th additional article of the Health Services Fundamental Law numbered 3359: "Olağanüstü durumlarda mesleğini icraya yetkili kişilerce acil sağlık hizmeti ulaşana ve sağlık hizmeti devamlılık arz edene kadar verilecek olan sağlık hizmeti hariç, ruhsatsız olarak sağlık hizmeti sunan veya yetkisiz kişilerce sağlık hizmeti verdirenler, bir yıldan üç yıla kadar hapis ve yirmi bin güne kadar adli para cezası ile cezalandırılır."

80 In order to provide a rationale for introducing this bill, the Ministry of Health drew a very selective and partial picture of the Gezi health situation. According to Dr. Ahmet, the government's claim that there were state hospitals and ambulances available for the injured in the clash areas is not true. In reality, ambulances could not enter the area because of the barricades. Aambulance drivers were often afraid to enter the area and the police also sometimes stopped amublances from entering such locations (Interview, Dr. Ahmet, a representative from the Turkish Medical Association, February 13, 2014).

81 Interview, Dr. Ahmet, a representative from Turkish Medical Association, February 13, 2014

> The health situation then was no different from what we would encounter in a natural crisis situation, but it was a political one. We, as the Medical Association, made calls to doctors to join the medical teams, just like we would do in other catastrophic situations. Hundreds of doctors responded and volunteered. You might be against Gezi, but this cannot be a reason to punish doctors for helping Gezi protestors. This actually reveals something deeper. It says that Gezi protestors don't even deserve to receive medical treatment. This is the message they want to convey to people.[82]

It was not only the Gezi physicians but also the medicine used in the Gezi infirmaries and the pharmacists who provided it that were targets of this criminalization campaign. The police attacked Gezi Park on June 15th and confiscated all medicine in the Gezi infirmary. Approximately nine months later, some pharmacists in Istanbul received an official letter from the Provincial Directorate of Health titled "Regarding Gezi Park Pharmaceuticals"[83] along with a list of pharmacies. The letter said: "We would like to inform you that if your pharmacy continues to act in violation of the Regulation of the Ministry of Health General Directorate for Pharmaceuticals and Pharmacy dated 31/11/2014 and numbered B10.0.İEG.0.73.00.17/89362 (2009/84), we will take criminal action against you"[84]. The Ministry of Health spent months trying to track the origins of thousands of medical consumables and pharmaceuticals confiscated from the Gezi infirmaries through the Medicine Tracking System using 2d barcodes on pharmaceuticals.

The government effectively used these confiscated pharmaceuticals to further criminalize voluntary medical care during the Gezi Protests. To this end, the discourses

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82 Interview, Dr. Ahmet, a representative from Turkish Medical Association, February 13, 2014.
83 The invention of a category named "Gezi Park pharmaceuticals" for an official letter to indicate medicine and ointments frequently used during the Protests was mocked by pharmacists (Abacıoğlu 2014).
84 The letter was made public in an article by Abacıoğlu (2014).

deployed against the radical leftist or Kurdish political organizations, especially in the 1990s, were recalled by the government and put into circulation once again in television news and newspapers, but this time also targeting Gezi physicians and the Gezi infirmaries and mobile clinics.

The pro-government media discussed infirmaries by adding the adjective "so-called" just like they did with "terrorist" organizations, i.e., "so-called leader/flag/member of terrorist organization PKK". Moreover, after receiving the pharmaceuticals from the Istanbul Police Headquarters and identifiying and classifying them, the Health Directorate organized a press statement in which these "Gezi pharmaceuticals"[85] were neatly placed on a table with nametags on them. The press was invited to take pictures and videos of these "Gezi pharmaceuticals." For a generation who witnessed police operations against "illegal separatist terrorist organizations," the practice of displaying "captured members of the organization" along with "captured organizational materials" such as guns, explosives, and bomb making materials on the news is a very familiar scene. In short, the well-known media genre used to criminalize these political organizations was re-mobilized in a way to insinuate that those who provided the "Gezi pharmaceuticals" and used them were criminals.

The lawsuit against the Gezi doctors at the Dolmabahçe Mosque, the new emergency care bill, and the official threat against pharmacists, all indicate that the boundaries of the legal were negotiated and redrawn during the time of this political

85 There is a five minutes video taken by a reporter of the Dogan News Agency. The "Gezi" pharmaceuticals on that video include: Talcid, Gaviscon, Batticon, Benexol, Ventolin and Antepsin. There were medical consumables placed on the table as well such as cotton, ethanol, rubber gloves, oxygen bottles, serum and gauze bandage. Here is the link to the video: http://www.mynet.com/video/haber/gezi-parkinda-ele-gecen-ilaclar-sergilendi-1511199/

emergency. Asad (2004) notes that the abstract character of the state is simultaneously claimed by both the government and the citizens and this abstraction is "the essential condition for the exercise of specific kinds of legal power" (282). Indeed, the debate over the legitimate boundaries for providing emergency care turns into a debate over which party (i.e., the government or the doctors) will define what the legal (and the extralegal) is. The government aims to render the practices of physicians illegible and illegitimate from the viewpoint of the law, as well as in the eyes of the general public. As a response to this, physicians referred to other articles in the Turkish Penal Code and the Convention on Human Rights and Biomedicine that regulate the responsibilities of physicians under emergency conditions.[86] By drawing on these legal protections as well as on universal principles of medical ethics they also tried to render the new legal regulations and lawsuit illegible and illegitimate.

Countering State Violence through Expert Witnessing

During the Gezi, government members strategically engaged in the production of a regime of ignorance that mobilized ambiguities and prejudices in society regarding the protestors. This was crucial in order to render invisible the unsettling facts regarding police violence, which caused eight young people to die, 15 people to lose their sight, and more than 8000 people to be injured.

Gezi physicians responded to this regime of ignorance by further relying on their

86 They also make use of rhetorical arguments such as: "if you want to put health professionals on trial you have to start with Hippocrates" in their pamphelts and press statements. See for example this video link for the most recent press statement organized by the Turkish Medical Association and Istanbul Medical Association on Gezi trials on November 14, 2014 accessed on November 16, 2014.

professional expertise and producing reports, statistics, and pictures that document health related consequences of state violence. Gezi infirmaries worked not only as centers of voluntary medical care, but also of data collection. As Ali Çerkezoğlu, the secretary general of the Istanbul Medical Association, said to a reporter: "They [the government representatives] were bothered by the fact that the events were being objectively reported by doctors" (*The Associated Press* 2014). Indeed, starting with the second day of the Gezi resistance, doctors working at the infirmaries began to keep anonymous records of the number of injured protestors, how they were injured, and what kind of treatment they received. The Ministry of Health sent an official letter to the Head of the Turkish Medical Association asking for the names of the injured protestors who were treated at the temporary infirmaries as well as by voluntary medical personnel. The Association declined to give this information to the Ministry on the grounds of patient-doctor confidentiality.

At the same time, in collaboration with various human rights and medical organizations, to expose state violence, the Turkish Medical Association used the comprehensive data set they compiled regarding the public health consequences of police violence across the country during the Gezi events.[87] [88] This data was later taken up by

87 The Association made an urgent call on June 16th in the second week of events to announce the results of survey "in order to disclose the dangerous health effects of these gases targeted at defenseless people". The findings were as follows: "in one week, over eleven thousand people declared that they had been effected by tear gas. [...] Before the disaster on the 15th of June when Gezi Park was attacked, the total number of injured people was 788 (7%). This data shows that the police were targeting people when throwing gas bombs. Many of the injuries we treated were on the head, face, eyes, thorax and abdomen, which could be fatal. 20% of the injuries were open sores and fractures." See http://www.ttb.org.tr/index.php/Haberler/cagri-3870.html, last accessed on August 8, 2014.

88 Here you can also see the charts prepared by the Turkish Medicine Association regarding the health conditions of the demonstrators who were injured between May 31st and August 1st:

international human rights and medical organizations to condemn state violence in Turkey.[89] In a similar vein, beginning in the first week of the events, the Human Rights Association contacted protesters and asked them to visit medical institutions and receive medico-legal reports in order to document whatever injuries may have been caused by police violence. These documents were deemed crucial for filing complaints against the excessive use of police force at the European Court of Human Rights. Meanwhile, the Turkish Thoracic Society asked people to have their lungs tested to document the long-term effects of tear gas. Most recently, Taksim Solidarity[90] made a public announcement asking people to visit their offices in order to explain to voluntary lawyers the different kinds of physical and psychological violations and violent acts to which they were subjected during the Gezi events.[91] On the eve of the Gezi trials that would take place in the spring of 2014, a campaign was announced with this slogan: "We are accusing you." In short, physicians had not only provided medical treatment and emergency care to the injured in these infirmaries, but they have also documented the bodily consequences of police violence so that the latter could be condemned in public and legally prosecuted.

Since Foucault we know that the lives and bodies of individuals and populations become the target of modern politics. As importantly, different groups use the "body to

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http://www.ttb.org.tr/index.php/Haberler/veri-3944.html

89 To name just a few: the World Medical Association, Physicians for Human Rights, the British Medical Association and the German Medical Association.

90 Taksim Solidarity "is a coalition constituted by approximately eighty organizations including civil society groups, professional associations, political parties, and platforms and it became the legitimate mouthpiece of hundreds of people on the streets during Gezi." See http://taksimdayanisma.org/taksim-dayanismasi-biziz-biz-buradayiz, last accessed on August 1, 2014

91 The statement says: "We know that the number of people who were victimized and were hurt as a result of these event is much higher." See http://taksimdayanisma.org/?lang=en, last accessed on August 1, 2014.

make political claims" (Ticktin 2011: 12; Petryna 2002; Fassin and d'Halluin 2007). For example, Ticktin (2011) discusses how the use of exceptional humanitarian measures, specifically the illness clause, and verification via medical reports in the process of granting residency to immigrants in France, has had unintended consequences for the political field. This purportedly apolitical regime of care sees the universal body as the ultimate "site of veracity" (Fassin 2012, p. 113) and reduces the applicant to his body and to his suffering. That is why many medical humanitarian practices are criticized for translating "complex social processes [...] into the clinical language of human suffering" (Guilhot 2012, p. 90) in which the body of, say, a refugee or an asylum seeker, emerges as the only source of authentic evidence while their words become less and less important (Fassin 2012).

In a similar vein, when analyzing the bodily consequences of police violence, physicians rely on the concept of a universal, standardizable body (Lock and Nguyen 2010) and follow the physical and psychological traces of violence on the body. Bodies are read as documents onto which state violence is inscribed. These documents are used to establish new alliances against political violence and to make certain political and legal claims. On the other hand, the medical emphasis that doctors put on bodily violations and injuries cultivates a particular perspective on the Gezi Riots and their consequences. This perspective draws on the tradition of human rights medicine in Turkey, which has substantial investment in medical and bodily evidence in relation to torture documentation. Those physicians, who played important role in the struggle against systematic torture in police stations and prisons in the 1990s, have been actively involved in the mobilization of physicians for providing emergency care to the injured during

Gezi. They taught the younger generation of physicians how to properly document bodily injuries during the Gezi protests.

When comparing the current situation to that of the 1990s, one Gezi doctor who was active in both periods said: "We are actually now much stronger. Irrespective of what the law says, we have strong social legitimacy and support we didn't used to have in the 1990s and we can benefit from that. We should not restrict ourselves to our profession."92 He means that it is not only medical ethics that provides legitimate grounds for their emergency medical care, but also the hegemonic position they enjoy in society. They were there for the Gezi protestors, to heal their injuries. Now in turn the Gezi people were returning their supporting. Physicians involved in the earlier anti-torture movement were faced with many lawsuits throughout the 1990s and were prosecuted for providing free medical treatment to the tortured as well as for preparing alternative medico-legal reports that were intended to prove torture. In their defense they mobilized universal medical and ethical values and humanitarian medical practices. However, it became clear during the campaign debates that young doctors in particular did not want to emphasize the differences between "ordinary" protestors and themselves. They did not want to underscore professional responsibilities and rights arising from the Hippocratic Oath or medical ethics. According to them, joining the Gezi demonstrations is a legitimate act and one does not need medical principles to account for their participation in the events. Yet, given the fact that the indictment explicitly accuses medical practitioners at the Dolmabahce Mosque for providing medical care, doctors decided to prepare a court defense on the basis of ethical and deontological requirements of medicine.

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92 Field note; Meeting of non-governmental medicine organizations, April 1, 2014.

One can still trace the continuities between the anti-torture struggles of human rights physicians in the 1990s and the recent mobilization of doctors during the Gezi events to document police violence at that time. The emphasis on the *vulnerability* of bodies, on injuries and the need to treat them is the underlying reason for continuity between these two periods. Medical examination and the treatment of injuries as well as their objective documentation have naturally been a prime agenda for human rights physicians. This continuity became most palpable at "Torture in the Streets: The Effects and Consequences of Riot Control Agents", a symposium organized by seven non-governmental human rights and medical associations that occurred on January 25, 2014. All of the presenters were experts in their fields (forensic medicine, toxicology, chemistry, chest and cardiovascular diseases, pharmacy and psychiatry amongst others). They each gave presentations on negative physical, social, and psychological consequences of the use of tear gas during Gezi. Most of the debates at the Symposium revolved around the question of to what extent, and in which ways the use of tear gas could be classified as "torture." Drawing on scientific and medical expertise most papers argued that the use of tear gas can and should be classified as torture and should be banned.[93]

During the discussion session at the symposium, one psychiatrist underscored the risk of using the term torture to account for different types of police violence and people's experience of it. He pointed to the poster of the symposium that hung behind the

93 Legal experts were on the panel too. Most of them made references to the European Court of Human Rights' decision that classifies excessive, intense, and disproportionate use of tear gas as torture and ill treatment. They underlined the fact that the suffering caused by tear gas is man-made and systematic. These are the two defining characteristics of the legal definition of torture in the Turkish Penal Code.

stage. It was a picture of a young man surrounded by excessive tear gas smoke. He was about to run away, throw something, or kick something. He did not look passive or desperate at all. On the contrary, there was an excitement in his bodily movements. So, the psychiatrist said, "I don't see a person under torture in this picture. When attacked with tear gas, people were singing back at the police, "'c'mon spray pepper gas/ c'mon take off your mask and drop your batons / let's see who is a real man!"[94] According to this doctor, the protestors were not afraid of the police. The leftist tradition in Turkey implicitly celebrates suffering and the tortured body. Human rights physicians hailing from and trained in this tradition are focused exclusively on the vulnerabilities of the body. However, there is more to people's experience with the police during Gezi. Police violence during Gezi does not easily fit into the classical torture experience where the victim is alone and vulnerable in the presence of the police. One repercussion of this insistence on classifying the use of tear gas as torture through various forms of expert knowledge is the risk of the medicalization of not only the question of police violence and therefore narrowing the boundaries for the legitimate use of force, but also of people's resistance.

Conclusion

In their analysis of the constitutive role of law and disorder in postcolonial contexts, Comaroff and Comaroff (2006) show that the spectral dimensions of policing and governance cannot be separated from the ordinary workings, routines, and biopolitics of

[94] It goes like as follows in Turkish: "Sık bakalım sık bakalım, biber gazı sık bakalım, kaskını çıkar copunu bırak, delikanlı kim bakalım."

power. Police action at the Gezi events can be read within this framework. There was an abundance of police everywhere; their actions were arbitrary and unpredictable. They were running from here to there in groups, driving big riot control vehicles, putting on and taking off their gas masks, throwing tear gas canisters wherever they liked, arbitrarily closing and opening roads, and searching people's personal belongings. When hundreds of thousands of people took to the streets in protest, these perpetual displays of police force became crucial to restoring state order. The demonstrators, by mockingly asking the police to throw more tear gas, challenging them to come fight them after taking off their masks and dropping their batons, bursting into laughter as they were running away from plastic bullets, or shouting at the police behind the barricades, "Lay down arms and surrender! You are surrounded,"[95] made fun of this kind of staging of police force and in turn staged their own spectacle. The protestors were not only injured or murdered. They also mimicked the tactics and rhetoric of the police in creative and entertaining ways. Expert witnessing techniques developed by human rights physicians are crucial in challenging the regime of denial and the criminalization of physicians by showing the extent and scope of police violence during Gezi. However, when physicians use this medical expertise to address people's resistance and its bodily consequences, they risk reducing people and their political resistance to the experience of the suffering body. Focusing solely on medical frameworks might prevent one from seeing the alternative imaginaries, fears, and excitements that motivate, inspire, and empower these citizens in their encounters with the police.

95 This is the phrase that the police frequently used, especially during operations against leftist organizations: "Silahları bırakın ve teslim olun! Etrafınız sarıldı!"

Chapter Three

The Political Body as the Margin of the State:

Fasting, Ill, and Tortured Bodies under Detention

As I explained in Chapter 1 and in relation to torture, mass arrest and detention are the main strategies of the Turkish state for controlling and suppressing oppositional political movements. In this chapter I will examine how medico-legal apparatuses are mobilized to address the suffering of detained political bodies, and I will explore the biosocialities[96] created around their suffering. The medical treatment of political detainees is always mediated through law and the fasting, ill, or tortured bodies of political detainees are sites of medico-legal struggles. Tracing these medico-legal struggles gives an opportunity to explore how the biopolitical[97] state is produced, challenged, and reproduced in new ways.

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[96] Biosociality is broadly defined as the "formation of social relationships and the production of identity based on genetic or biological conditions" (http://medanth.wikispaces.com/Biosociality#cite_note-1) This term was coined by Paul Rabinow (1992). Ticktin (2011) also uses this term but somewhat differently than Rabinow: "I still focus on practices of life as important sites of new knowledges and power and employ the term to indicate the ways that nature is known and remade through technique. Instead of the techniques of scientists, however, I refer to the techniques of 'ordinary' lay people — such as undocumented immigrants — who manipulate their biology to the extent that they overcome the nature-culture split" (246). The way I use the term is more like Ticktin's definition in which "biosociality becomes the socially, politically, and economically framed choice to draw on one's biology." She uses "'biology' to focus on the materiality of the life processes of human beings, from the molecular to the species level, emphasizing biology as a signifier within the larger fields of biomedicine, biotechnology, and genomics, a signifier that is constantly being negoiated [...]. This comes from the recognition that bodies are increasingly understood in biological terms, whether through biometrics or genetic testing." (p. 193) Her use of the term is closer to Adriana Petryna's (2002) use of the terms "biological citizenship" in the Ukraine "in which the damaged biology of a post-Chernobyl population has become the grounds for social membership and the basis of staking citizenship claims." Both Petyrna and Ticktin deal with cases the ordinary people deal with the moral, economic, or political values attributed to their biologies in a new political economic context.

[97] Focuault (1978) defines biopolitics as the politicization of life. It is through biopolitics that life becomes the target of calculation.

In order to reflect on the production and circulation of medico-legal reports regarding the health condition of political detainees, I will draw on stories of medical encounters between physicians and people under detention. These are also encounters between physicians and law enforcement officials who transported patients that reveal the tension between medical ethics and attributed or the real security concerns of physicians and other state officials. Thus, I also follow the experiences of politically engaged physicians who witnessed and intervened in these medico-legal encounters both inside and outside of the Forensic Medicine Institution.

The specific questions that I address in this chapter are the following: How does a physician act when universal medical ethics and national laws and regulations contradict? How do physicians who occupy different ideological, political, and institutional positions deal with these contradictions?

I will begin this chapter with a discussion of how some forensic medicine actors of the state approached the body of the political prisoner/detainee in the immediate post-coup period. Official medico-legal expert institutions, that is, the Forensic Medicine Institution and its branches in courthouses, cultivated a hostile and prejudicial approach toward political prisoners. Moreover, members of the medico-legal community took part in experiments and research that sought to medicalize radical revolutionary activities and rehabilitate political prisoners. Most of these activities were conducted under the auspices of the government. Even though most of these interventions and experiments on political prisoners failed because of the noncooperation of prisoners, they provide an important vantage point to understand the biopolitics of the coup. These experiments and researches not only provide a backdrop to the relationship between medicine and politics in Turkey,

but they also reveal the ways in which the principles of medical neutrality and ethics are historically compromised. In the second part of the chapter, I will focus on two key events in which the relationship between medicine and politics took a new turn, namely the hunger strike and the campaign on behalf of the release of ill political prisoners.

Between 2000 and 2007 one of the longest lasting hunger strikes have taken place in Turkish prisons. The hunger strike started in protest against the government's plan to transform ward-type prisons to new F-type prisons, with cells housing one to three people, which quickly turned into a death fast.[98] In order to manage the political consequences of this resistance, the government mobilized the illness clause[99] and humanitarian medical perspective. Between 2000 and 2007, thanks to the medical reports issued by the Forensic Medicine Institution (ATK), the execution of the sentences of hundreds of hunger strikers were postponed. In short, medico-legal documentation of suffering and illness was used as an effective strategy to solve a political crisis. Toward the end of 2000s, those who suffer from various illnesses in prisons (not necessarily related to hunger strikes) began to use the same illness clause. Hence, my second concern is the case of seriously ill prisoners for whom medico-legal reports of the ATK are also required.

The strategy of the state to turn a political crisis into a medical one had unprecedented consequences for the terms in which claims are made in the political

[98] When a hunger strike is declared to be a death fast, it means that prisoners carry out the hunger strike until the state meets their demands. That is, there is no way of stopping the hunger strike when it is turned into a death fast unless the state accepts their demands. The death fast aims to show the state that the hunger striker is willing to die for his political cause.
[99] The article (Previously Article 399, now Article 5275) regulates under which conditions a convict cannot remain in prison and if an execution of sentence can be postponed.

sphere, because not only did state apparatuses begin to use medico-legal documentation of their own bodily sufferings as a political strategy, so did detainees. This also suggests a change in how the state is imagined and construed by its oppositional citizens and how they use their bodily illnesses to make demands of the state.

Experiments and the HZI Foundation:

In the aftermath of the coup d'état, when political activists were arrested en masse, the military rule saw this as an opportunity to "understand" these "terrorists" and "anarchists" (Mavioğlu 2004, Bekaroğlu 2010, Dindar 2010). The plan was to conduct clinical experiments and research, which would in turn give clues as to how to cure anarchism and radicalism. However, this plan eventually failed but it epitomized the ideologies that inform the workings of the official medico-legal apparatuses in particular, and state authorities in general, when they deal with politically committed prisoners. The witnessing of renowned psychiatrist and right wing politician Mehmet Bekaroğlu in military prisons attests to these ideologies. After being appointed as a psychiatrist at Metris prison, one of the most notorious military prisons of the time, in 1983 Bekaroğlu was asked by the military administration to "treat communism" and "correct" "patients/deviants" (Bekaroğlu 2010). According to Bekaroğlu this project failed because the state authorities were lacked the complexity to comprehend those engaged in political activism. Still, these experiments point to the ways in which psychiatry is complicit with the reproduction of a regime of denial in Turkey, if not a regime of normalization. Of his experience at Metris Military Prison Bekaroğlu said this:

> I knew why I was appointed there. I was told: 'you are a psychiatrist. You know

> what passes in their minds. Hypnotize them.' This was their favorite word. They wanted me to dissuade political prisoners from going on hunger strikes by using hypnosis. There was one prisoner I can't forget. The hospital did not accept him, so he was brought to the infirmary. They wanted to drip-feed him, but as soon as he woke up he had removed the serum. The commanders got angry with me and told me to hypnotize him, to make him sleep so that he would not resist the treatment. [...] They had hoped that I would do anything they wanted to the leftist prisoners since I am a right wing person. Since I didn't do what they wanted, they began to call me "the right winger who doesn't collaborate.[100]

Bekaroğlu was not the only physician hired by the military. Immediately after the 1980 coup d'état, the government also set up a team of experts that sought to examine the psychology of political prisoners in order to come up with proper medical treatment and to 'measure' them. The team conducted a series of conferences, experiments, and research that contributed to the medicalization of political activism. While any knowledge on the work of this team is difficult to access since all its activities were confidential, in another interview Bekaroğlu (2010) summarizes their activities as follows:

> Under the name of the rehabilitation of political prisoners, these so-called professors and 'scientists,' such as Turan Itil and Ayhan Songar,[[101]] sought to develop methods that will 'remove' the personalities and thoughts of the prisoners. They therefore deserved to be called the fathers of torture in prison. [...] Under the guise of being a psychiatrist they engaged in practices of indoctrination as a part of psychological warfare. They did experiments that are against human dignity and tried various drugs on prisoners and used them as guinea pigs. (33)

The HZI Foundation, which was founded by Prof. Turan Itil in 1971 to conduct research in the field of neuropsychiatry, played a major role in these endeavors. After the coup d'état, the Foundation's main field of research became "the medical and sociological analysis of the anarchic events of the pre-September 12 period" (Dindar 2010: 30). It is

[100] Quoted from Mavioğlu (2004).
[101] These two names also appeared among the 1650 officials who are being investigated for the September 12 trials.

estimated that Prof. Itil conducted experiments on approximately 5000 people and 2700 of them were prisoners (Şahin 2010: 8). There is still no comprehensive research on the scope of the activities carried out by the HZI Foundation. According to Prof. Nevzat Tarhan, who is also a psychiatrist, this research was carried out on behalf of the National Security Council, that is, the military council in charge of the government at the time.

Despite the fact that we do not exactly know to what extent and in which ways this Foundation was supported by the then-government, we know from the testimonies of ex-prisoners that prison administrations permitted hundreds of political prisoners to be taken to the offices of the Foundation. These prisoners were not informed about the content of the experiments before being submitted to them. With the start of the September 12 trials in 2012, those who were used as "guinea pigs" in these experiments began to share their experiences. Some of them even filed official complaints against the physicians and psychiatrists who took part in these experiments and misused their medical privilege to intervene in the bodily and psychological integrity of an individual (*Radikal Daily News* 2011). What follows is what one political prisoner who was imprisoned after the coup said of what he experienced when he was taken from the prison without his consent:

> It was right before the 1983 hunger strike. There was too much pressure in Metris Prison. One day they gathered 10 of us in the prison yard. All of us had received heavy sentences but were members of different political groups. They put us in a military vehicle and brought us to a five-story building. When we entered we saw other people in prison uniforms. I asked them where they came from. They came from different cities. Most of them were ordinary prisoners. They took us to the fifth floor. Everything was very clean and luxurious. They had prepared that floor for us. [...] We insisted upon seeing a person in charge and someone came. He said 'you were brought here by permission of the judicial advisory.' Then we asked to see this document. Then another person came in and said 'you were brought here upon a decision made by the military court.' Then we wanted to see

> that written order. Then the infamous psychiatrist Ayhan Songar came in. Different from the previous persons, he did not stand at the door but rather entered the room. He said 'you are here for research conducted by the university.' Then he went on to explain how this research is independent, how the results of this research will be used for our benefit, etc. [...] At first they said that we were going to stay for a week. But when we refused to stay or talk, they wanted to convince us to talk for five to ten minutes with them for the research. But we didn't accepted that either. The evening of that day they took us back to the prison. (Quoted from Dindar 2010: 30)

Songar presented the results of some of his research at a conference in 1984 (Songar 1984), which different Forensic scientists, psychiatrists, and social workers attended. The aim of the conference was to explore the personal and social roots of the deviant behavior and mental features of terrorists (Gurbilek 1993). An article entitled "The Terrorist Movement in Turkey: Social Composition and Generational Changes" published in *Conflict Quarterly* in 1987 refers to the consequences of the research conducted by Prof. Turan Itil as follows:

> The partial findings of a major personality and psychometric examination of the imprisoned terrorists similarly underscore the very low cultural and educational level of the followers. According to this study, the majority of these young people have low IQs, some display symptoms of minimal brain dysfunction, and most are subject to 'herd psychology.' (Sayari 1987: 28)

In 1984, the practices of the Foundation were made public in an issue of *Nokta Magazine*.[102] The Ministry of Health as well as the Istanbul Public Prosecutors Office initiated investigations of the allegations as to the use of humans as guinea pigs in

[102] In an interview published in *Nokta Magazine*, Dr. Itil explains the findings of his experiments as follows: "There is something that they cannot control: it is their instincts. To understand them you only need two of them, not even a third. They are very emotional people. They have an uncontrollable anger, which they themselves aren't aware of. If they hadn't become terrorists, they would have become murderers. We carried out international research and interviewed terrorists in different prisons in Turkey. Thus, there was no suspicion as to whether who is a terrorist and who is not. We worked on individuals who really did commit a crime. [...] But the best medicine is age. No one over 40 becomes a terrorist. They have to be kept imprisoned till they are 40. This is an expensive method but better than execution" (Quoted from Şahin 2010: 8).

experiments in the same year. However, nothing came of these investigations. The office of the Foundation stayed open until 1990 when an illegal radical leftist party bombed it. After entering the office with guns, the militants said: "We are revolutionaries. We will not harm you. We are here for Turan Itil. Now we are going to place a bomb upstairs. After we leave, close your ears and lie down" (*Milliyet Daily*, June 22, 1990). The revolutionary militants also left a leaflet in the office that said: "The HZI foundation, which works for American drug monopolies and is financed by the CIA, was destroyed by us" (ibid.). After this event, the head of the HZI, Prof. Itil, left the country and all activities of the Foundation ended. The HZI experience is an early example of how the body of the political prisoner becomes the object of crude medical intervention for political purposes.

Hunger Strikes: Self-Manipulation of the Body

The body of the political activist has emerged as one of the sites in which political authority sought to express itself in substantially new ways after the coup in 1980. During its rule between 1980 and 1983, the military government sought to legitimize itself by referring to the violent clashes between political groups in the pre-coup period. It ordered curfews and closed down all public institutions to prevent people from communicating. As a result, public demonstrations and clashes between revolutionaries and with state paramilitary forces and fascists ended immediately but only to take new forms in prisons. As discussed in the first chapter, political prisoners were subject to extreme forms of torture in prisons. Moreover, the culture of fear created around the mutilated body of the political prisoner normalized police violence across society. Being deprived of popular

support and means of communication, political prisoners found hunger strikes a viable and effective means of protesting torture and beating in prison during these years.

The state intervened in these protests not only through brutal means such as military operations, penal punishments, and threats, but also through more subtle means such as medicine, force feeding prisoners when they lost consciousness, or preparing medico-legal reports that would postpone the execution of their sentence are but some examples. Here I am particularly interested in the role of medicine and medico-legal institutions[103] in regulating encounters between state officials and their political adversaries in prisons during hunger strikes. I will specifically focus on the mass hunger strike that took place between 2000 and 2007 in Turkish Prisons and explore how **medical intervention and medical certificates** concerning the body of the political activist figure in the encounters between political prisoners and the state. The hunger strike ended in 2007 and claimed the lives of 122 political prisoners leaving more than 600 prisoners partially or fully mentally or physically disabled. During this hunger strike medico-legal reports prepared by the Forensic Medicine Institution were used for the first time for humanitarian purposes. Many argued that this was another example of governmental misuse of ATK, i.e., the government was using medicine for its pragmatic political purposes. However, I argue that this period also had irreversible consequences for shaping the political field around new biosocialities.

Fasting Bodies: Hunger Strikes in Prisons

[103] As discussed in the first chapter, in the aftermath of the coup, medico-legal apparatuses, especially the Forensic Medicine Institution (ATK), have been effectively used in order to render torture or death in custody invisible by giving false or deficient medical reports.

Hunger strike is a very frequently used form of political protest in Turkish prisons. It has been used to protest torture and ill treatment in prisons, the imposition of prison uniforms on political prisoners, or transition to isolation type prisons.[104] Hundreds of political prisoners "lied their bodies to death"[105] to protest prison conditions or raise various political demands. Carrying out a hunger strike requires, displays, and performs ideological and political commitment. The emaciated, sick, or dead body of the hunger striker symbolizes one's ideological commitment to the revolutionary cause. The effectiveness of a hunger strike as a non-violent resistance strategy arises from its self-sacrificial nature, its ability to turn one's own body into a weapon against the state. Therefore it remains unacceptable to the state.

The source of the sovereign power of the modern state does not lie only in its territories; it also has to do with bodies. Foucault shows that concern with the body and life is what differentiates modern forms of power from previous ones. By refusing to eat anything but sugar, salt, water and vitamins, hunger strikers challenge the state's sovereignty over the lives and deaths of its citizens (Foucault 1978). Or as Ticktin puts it, the hunger strike challenges the state's monopoly on the legitimate use of violence. Because "in contemporary biopolitical modernity one does not have the right to kill oneself — the state has a monopoly over both life and death" (2011: 203). The more prisoners die

[104] Hunger strikes were staged in the Metris Military Prison (October 1981, May 1982, June 1984), Diyarbakır Bağlar Prison (January 1981, September 1983, January 1984), Mamak Military Prison (July 1981, March 1984), İzmir Şirinyer Military Prison (June 1983), Adana E Type (1985) and the Sultanahmet, Sağmalcılar, Kabakoz, Çanakkale E Type, İzmir Şirinyer, Elazığ and Erzurum prisons. Between 1980 and 1989, 17 people died as a result of hunger strikes (Tuşalp 1986). In both 1996 and 2001, hunger strikes in prisons were turned into death fasts, which led to the death of 15 and 122 people respectively.

[105] "Bedenini ölüme yatırmak" in Turkish. This is the most frequently used and partly emotional expression for those who are carrying out a hunger strike.

in prisons, the more the legitimacy of the sovereign rule of the state is challenged.

The mass hunger strike in 2000 aimed at stopping the transition to F-type prisons from dormitory type prisons. On December 19, 2000 the government organized a secret military operation to prisons in order to end the hunger strike by forcibly moving the hunger strikers to the newly built F-type prisons. This suspended the negotiations between the representatives of political prisoners and the Ministry of Justice. 35 prisoners died as a result of this operation, which was called "Operation Return to Life." However, this operation did not end the hunger strikes. On the contrary, new people both in and outside the prison began to join the hunger strike protest. The government was losing control of the situation. As a response, it decided to reduce hunger striking political prisoners to their fasting and thin bodies, to their biology, by medicalization, ignoring the political processes and decisions that created them.

The solution that the government developed to prevent further deaths in prisons was to apply Article 399 in the penal code, that is, the illness clause**,** which allows the release of ill prisoners on medical humanitarian grounds, at least temporarily. The article regulates under which conditions a prisoner can or cannot stay in prison while an execution of sentence can be postponed. According to the article, all decisions must rely on medico-legal reports issued or certified by the Forensic Medicine Institution. It was the Third Specialization Board of the ATK that was responsible for the medical examination of political prisoners as well as for the preparation of these medico-legal reports.

Contradictory Expert Reports of the ATK

After negotiations with the government had ceased and it became clear that the hunger strikers were not going to end their protest until their demands were met, physicians from the Turkish Medical Association formed teams to regularly examine the hunger strikers and to make sure that they take B1 vitamins alongside water, salt, and sugar so that their brains remained unharmed.[106] The fact that hunger strikers were taking B1 vitamins allowed them to survive more than 300 days.

The first group of hunger strikers began to worsen toward the middle of 2001. Some of them lost consciousness and were hospitalized and their families allowed the physicians to force-feed them. Yet others were already suffering from Wernicke Korsakoff syndrome because they had been forcibly fed after the military operation. Beginning from May 2001, the Forensic Medicine Institution began to issue Wernicke-Korkakoff reports for hunger strikers and the courts started releasing prisoners who suffered from the syndrome on the grounds of Article 399. According to the revolutionary parties who organized the hunger strike, the government sought to break the resistance through its acts. A member of one of such party stated in the months following the first wave of releases: "We are witnessing something that an oligarchy would never do under normal conditions. Tens of prisoners, not only those who are

[106] The 1996 hunger strike taught the physicians in Turkey that when prisoners were injected with serum after a long-term hunger strike, they suffered the rapid depletion of B1 stock and permanent brain damage as well as Wernicke Korsakoff syndrome. This syndrome is "characterized by the presence of a triad of symptoms: ocular disturbances (ophthalmoplegia), changes in mental state (dementia), unsteady stance and gait (ataxia)." See also http://en.wikipedia.org/wiki/Wernicke%E2%80%93Korsakoff_syndrome, last accessed on August 1, 2014. Drawing from the lessons of the 1996 hunger strike, physicians told prisoners to take B1 vitamins regularly so that they would protect their brains during the hunger strike and formation of this syndrome.

disabled but also those who carry out a hunger strike, are being released."[107] A human right activist from the Human Rights Association I interviewed recounts those days as follows:

> Wernicke-Korsakoff develops suddenly when you inject glucose into a blood vessel. This was done to hunger strikers in the 2000s when they lost consciousness. They were like two and a half year old babies whey they woke up. This was purposeful, to make these people disabled. They were sent to death. Their deaths could have been prevented. When they re-gained their consciousness they tore the serum off. There was a constant struggle between their will and bodily endurance. Forced-feeding turned into a kind of torture for them. Most of them caught Wernicke-Korsakoff sydrome because of force-feeding. The state did not take the responsibility for their treatment and released them. Hundreds of prisoners who were no different from a bag of bones were released. The state did not even provide them with ambulances to take them to their homes. We as human rights activists took them from prisons. The Human Rights Foundation of Turkey and TOHAV treated them. Once they were treated, the state sought to put them back in prisons.[108]

The government did not want to confront the political consequences of the deaths of hundreds of people in prisons. The idea was that the ATK was going to examine the ill and fasting bodies of hunger strikers to determine their physical and mental well-being. If their illnesses were "proved" via medico-legal reports, they could be released. In a sense, the government reduced the question of the hunger strike, which is a political problem that can be solved with political means through the forensic documentation of the illness.[109]

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[107] An anonymous article entitled "Releases: How to Ruin the Game? How to be an Instrument to the Game" was published in 2001 in *Vatan, a* journal published by one of the radical leftist groups that organized and carried out the hunger strike. The article is available at: http://www.ozgurluk.info/kitaplik/webarsiv/vatan/vatan99/tahliye.html, accessed on September 1, 2014.

[108] Interview with Umutcan, December 2, 2012.

[109] The research in the archives of *Milliyet Daily Newspaper* shows that there was almost no public discussion regarding the use of Article 399 before 2000 and it is a very rare for a court to rule on the postponement of execution of a sentence.

The aforementioned law also states that released prisoners have to visit the Third Specialization Board of the ATK every six months in order have the postponement of the execution of their sentence continued. However, beginning in 2002, less and less hunger strikers were able to receive medical reports for Wernicke-Korsakoff syndrome. Even if they managed to receive these reports, the courts refused releasing them. Those who went to the ATK to renew their documents were receiving reports that said that they had recovered, which meant they would be sent back to prison. This sudden policy change was shocking to families and friends of hunger strikers as well as to human rights activists because Wernicke-Korsakoff syndrome was identified as a permanent illness in the previous reports issued by the ATK.

By 2004, 109 people died as a result of hunger strikes in prisons. 614 people suffering from hunger strike related illnesses, primarily that of Wernicke-Korsakoff Syndrome, applied to the Human Rights Foundation of Turkey.[110] Overall, it is estimated that more than 500 prisoners were released for having developed Wernicke-Korsakoff syndrome.[111] The representatives of the HRFT made press statements regarding the risks of sending these people back to prison: this would interrupt their treatment, including the physical therapy they receive at the Foundation. They also argued that since the reality perception of a Wernicke Korsakoff patient is limited, they cannot benefit from the corrective aspects of prison at all.[112]

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[110] Only 51 of 614 people had these illnesses during the hunger strikes that took place prior to 2001. The rest suffered this syndrome during the last wave of hunger strikes, which started in 2000.

[111] Another example showing how these releases were part of a governmental strategy is the fact that the President of the Republic pardoned 125 prisoners during the same period.

[112] http://bianet.org/bianet/siyaset/31378-tihv-adli-tip-kurumu-ozerk-olmali

Those who were released through using the medico-legal reports prepared by the ATK were imprisoned again with new ATK reports. The Human Rights Association organized a press statement on December 27, 2003 in front of the Forensic Medicine Institution to protest this situation. The statement reads as follows:

> Since September 2002 we are witnessing a change in policy, but we have not seen any scientific explanations or articles regarding the miraculous recoveries of Wernicke-Korkakoff patients [...]. We suspect that the ATK is distancing itself from being scientific; it carries out forensic expertise not on the basis of scientific facts, but on political or ideological judgments and prejudices. [...] we have the right to know the reasons behind these negative medical reports.[113]

Encounters with Physicians Inside and Outside the ATK

In the next part of this chapter, and in order to understand the processes within which these contradictory reports were produced, I will trace the experiences of forensic physicians who worked at the ATK during the hunger strikes. After working as an emergency physician for 17 years, Dr. Ali became an intern at the ATK in 2001, the first year of the hunger strikes. To him, the ways in which expert reports were used during the hunger strikes shows how medicine and the Forensic Medicine Institution are used by political authorities:

> It is a clear example of how medicine can be manipulated for political purposes. The death fast started in October 2000. The prison operation took place on the 19th of December in 2000. The state thought that the hunger strike will end with the military operation but it did not. Thus they came up with another solution: covert amnesty. They did it via the Forensic Medicine Institution. They gave Wernicke-Korsakoff reports. This sydrome was not known in Turkey until then. As a result more than 500 political prisoners who were carrying out hunger strikes were released. But then came pressure, especially from the conservative media. They claimed that some of the hunger strikers are joining protests, or going to the

[113] The rest of the statement is available at http://istanbul.indymedia.org/en/news/2003/12/4063.php, last accessed on July 14, 2014.

> mountains. Under this pressure, they changed their policy.[114]

Delal was also working as an intern at the ATK during those years. She decided to prepare her graduation thesis on the forensic analysis of hunger strikers. She specifically wanted to carry out research on the prognosis of long-term starvation in order to determine if one can ever recover from this syndrome. However, her supervisor at the Institution did not want her to work on this topic.[115] She says:

> In a sense I wanted to make the argument that this illness, Wernicke-Korsakoff, does not lessen over time, that one does not recover from it. The government was releasing prisoners very quickly at first. But in six months or so they somehow changed their minds and started to put some of the hunger strikers back in prison. The way they did this was like this; they said: 'Look, the patients that you said cannot recover are dancing the halay, going to weddings, protests, etc.' But we are not saying that these people cannot use their bodies, we are saying that their their brain is damaged. I later figured out why some professors did not want me to do this research on the prognosis of the syndrome. It was because they were planning to imprison them again. Anyway, I did my research on hunger strikers and could at least make the point that ATK's approach to the death fast was not scientific and there were no proper medical examinations of the hunger strikers.[116]

The ATK issued to almost every hunger striker a "cannot stay in prison" report between 2000 and 2001. During these years, three different governments came to power, but the state policy toward hunger strikers was not influenced by these changes in government.[117]

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[114] The political activities of released prisoners were presented as crimes based on information given by the police because the police continued to monitor the activities of each freed hunger striker.

[115] Immediately after she submitted her thesis, Delal was appointed to a branch of the Institution outside of Istanbul. Exasperated by the pressure at the Institution she experienced every day as she was writing her dissertation, Delal decided to quit her job at the Institution instead of taking up the new position.

[116] Interview, January 13, 2012.

[117] The policy changes can rather be traced through some official figures that occupy important bureaucratic positions in medical or legal state institutions. These figures act on behalf of what they call "the interests of the state" an abstraction they use to justify their acts. The continuity effects of state institutions are maintained through these figures who claim to act and talk on behalf of the name and interest of the state. These figures feel and act as if they embody the state. One of these figures is Ali Suat Ertosun, who was the head of the General Directorate for

Toward the end of 2002, after the general elections, the new Justice and Development Party (AKP) government made new appointments at the ATK. After these appointments, the Third Specialization Board started to issue reports stating that Wernicke-Korsakoff patients are either fully or partially recovered. According to the hunger strike reports prepared by the HRFT or Turkish Medical Association, it is extremely rare that Wernicke Korsakoff patients recover. Recoveries take place in the first six months and the illness becomes chronic within one year. Dr. Ali points out this contradiction: "Either the first wave of reports prepared by the ATK were false, or the recent ones were. Both options create serious suspicion regarding those who prepare the reports and how politics influence the way they use their medical knowledge. This is a grave violation of medical ethics."[118]

Some hunger strikers filed complaints against the ATK physicians at the Turkish Medical Association accusing them of issuing contradictory medical reports. Lawyers of some patients on the other hand appealed to the European Court of Human Rights (ECHR) on the grounds that their clients cannot care for themselves in prison and the ATK reports were partial. The ECHR decided that an independent medical team consisting of two French doctors and one Turkish doctor should examine the W-K patients, who were imprisoned or were going to be imprisoned again.[119] In a sense, the Turkish state and the European Court of Human Rights alike trapped the political

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Punishment and Prisons in 2000. It is rumored that he visited one of the doctors at ATK just before the issue of the first wave of official medical certificates, which was the basis for the release of the hunger strikers.

[118] Interview, January 17, 2012

[119] See the relevant article from the year 2004 published in the *Radical Daily* http://www.radikal.com.tr/veriler/2004/07/31/haber_123698.php last accessed on March 1, 2014.

prisoners within the nets of medical diagnoses. Medical reports emerged as the only legitimate ground for discussing the consequences of hunger strikes. It also became the primary means by which the state sought to handle its bodily consequences. Those who refused to be diagnosed were withheld from all legal bureaucratic and medical frameworks. They became fugitives. They either fled the country to live in one of the European countries as illegal immigrants or suffered from the troubles of a fugitive life within the country. The only way for prisoners to be recognized by law was to allow local and foreign physicians and psychiatrists to read illness symptoms on their bodies and minds.[120]

Overall, the process became extremely arbitrary. While some hunger strikers were released, others were returned to prison because their reports were not renewed. This created an atmosphere of panic and suspense for the strikers and their families. Neither their release nor their arrest was under their control, let alone foreseeable. Some decided to flee the country in order not to be imprisoned again. The state rendered itself illegible by addressing the question of the hunger strike via medico-legal reports issued by the ATK because the hunger strikers never knew when they would get a positive or negative report. In some cases, despite having positive medical reports, the prosecutor objected to the releasing of the patient on the basis of police reports

Das argues that it is the unreadability of the rules and regulations of the state that allows "the oscillation between the rational and the magical to become the defining feature of the state in such margins" (2007:169). It is through the contradictory medical

[120] The expert report prepared by the ECHR doctors was released in 2005. According to this report, 40 out of 44 people examined are able to live in prison conditions. See http://www.milliyet.com.tr/2005/07/06/son/sonsiy14.html last accessed on March 1, 2014.

reports on the fasting bodies that the government dealt with the consequences of a political crisis. In this sense, the fasting body of the political prisoner became the margin of the state. Some medical experts at the Institution were proceeding tardily, prosecutors were deciding not to release the prisoners, and the police were monitoring the acts of the released prisoners. As the state policy changed toward the hunger strikers, the whole state apparatus was organizing its practices accordingly.

Medical Encounters at the ATK

Medico-legal encounters between physicians and hunger strikers who visited the ATK to receive medical reports to postpone their sentence reflect the policy change in question very clearly. Also, these encounters were possibilities in which physicians and hunger strikers established social bonds that went beyond the institutional boundaries of the ATK. While working on the Third Specialization Board in 2001, Dr. Delal was engaged in various kinds of work such as examining patients, making pathological analyses, and writing patient reports. Her witnessing of the medico-legal examinations of hunger strikers at the Board became a life-changing event for her. She has a vivid memory of how hunger strikers were treated during board examinations, irrespective of whether they received a positive medical report or not. She said that the room of the Third Specialization Board[121] reminds her of a legal or bureaucratic more than a medical setting. The patient is brought in front of the Board for examination and the members assess the patient's previous data and ask questions about his current health situation. Dr.

[121] At the ATK there are six specialization boards and each board has a room in which physicians from different specialties sit around a huge round table.

Delal recounts those meetings as such:

> It still hurts so bad in my heart and I lose my nerve when I think of how they were treated during these examinations. The physicians would push them around in the chair in which they sat and say things like 'stand up,' 'walk,' 'do this,' 'do that.' And they were just too weak ... They cannot walk, they cannot stand up, they cannot even move. Most of them either had just quit the hunger strike, or had been on it for over 200 days, feeling overtired. The physicians would not let anyone else accompany the patients. Inglorious men! I still feel traumatized by the death fast.[122]

Delal was one of the few physicians who developed strong ties with the hunger strikers. She acted in a friendly manner toward them and became friendly with them. Delal becomes very emotional when describing her relationship to the hunger strikers outside the Institution:

> I later ... (*starts crying*) sorry... as I talked to them, they understood that I was approaching them as decent human beings, and they started to like me. The relatives of the hunger strikers had established an association, and they were inviting me to their offices. They were calling me whenever they needed anything for their relatives who were on hunger strike. When there was a panel or a talk they invited me to give a talk. I had become friends with the hunger strikers whom I first met at the Institution. (Ibid.)

Many doctors who provided medical support to the hunger strikers in prisons and outside, and witnessed their suffering, describe the process as traumatic for themselves. Dr. Ali was one of them. He was then working for the Turkish Medical Association (TMA), which was providing active medical support for the hunger strikers by organizing prison visits with voluntary physicians. The TMA had permission from the Ministry of Justice to organize these visits. Having the memory of the previous hunger strike in 1996, in which the prisoners were force-fed without their consent, the prisoners were suspicious of physicians in general. In order to gain their trust, the physicians told the patients that they

[122] Interview, January 13, 2012.

respect their protests and were not there to force-feed them. They were only going to check on them so that they could continue their protests without potentially damaging their bodies or brains. They were also informing them of their rights as patients and asking at what stage of the strike they were and to what level they gave consent to medical intervention, if at all.[123] Ali explains:

> When they got worse, they were being taken to hospitals and asked if they accepted treatment. They were saying 'no' and then they were being taken back to prison. They had been told that it is the TMA physicians who wanted to bring them to the hospital. So when we first got to the prison, they did not trust us. It took time to convince them that we undertsood and respected their decision to go on hunger strike, and that we were against force-feeding and we were there just to check on them regularly and to make life easier for them during their protest as well as to try to take measures so that they will not be physically or mentally damaged at the end of their protests.[124]

Informed consent documents of the TMA emphasize that daily examinations, follow-ups, and medical practices are not interventions in the hunger strike. This notice is printed under each document: "these medical practices do not aim to feed you, but only to provide you with medical support." Over time the TMA physicians and hunger strikers built a relationship of trust. Dr. Ali notes how he used to feel during these visits: "We did our best not to show them the deep contradiction we experienced then. We respected the decision they made but we also saw the inevitable consequences of the death fast."[125] Ali described one of his visits to a prison in 2001 as follows:

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[123] The Turkish Medical Association has a very comprehensive list of documents regarding the role of physicians during hunger strikes as well as ethically proper medical attitudes and practices toward hunger strikers. The hunger strikers take a certain amount of water, salt, and sugar to prolong their hunger protest. The doctors were informed them of the importance of taking B1 vitamins in order to protect their brains from the adverse effects of hunger. The 1996 death fasts had taught the doctors that B1 deficiency caused Wernicke-Korsakoff syndrome to start very quickly. See the TMA's web page, "Hunger Strikes": http://www.ttb.org.tr/index.php/Haberler/agrev.html

[124] Interview, January 17, 2012.

[125] Interview, January 17, 2012.

> There are 10 prisoners from 2 different death fast groups (people were joining death neither individually nor en masse but in teams). All of them have already lost a quarter of their body weight, some of them more. They are under serious medical risk. They suffer from muscle pain, diarrhea, extreme sensitivity to light and nausea, sleeping disorder. When they stand up, they feel dizzy and lose their balance.[126]

During these visits, Ali became friends with many hunger strikers. Almost a year later he started his intership at the ATK:

> I began to work at the third specialization board when hunger strikers were coming to receive medical reports for the postponement of their sentences. I will especially never forget the visit of two prisoners whom I knew earlier. One of them was Madimak. We used to chat a lot in prison when I went to check on them. I saw her at the ATK. She didn't recognize me. Her sight was blurred. The other was Lale. During one of our prison visits they had sung us songs and marches. I saw her at the ATK too. She was suffering from pellagra caused by vitamin B deficiency. ATK issued a report stating that she cannot stay in prison but things had begun to change then. The ATK was proceeding tardily and shortly after her release she passed away.[127]

As mentioned above, such ties between physicians and patients were moving beyond the institutional logic of the ATK. Some doctors at the ATK were approaching hunger without questioning the nature of their protest, or their political identity. However, their insistence on the principles of medical neutrality pushed them toward the margins of the institution so that they either ended up quitting or retiring from their jobs at the ATK. But it is through these personal networks and relationships between physicians and suffering prisoners that medical humanitarian reasoning expanded among the political prisoners as well as among human rights activists. My informants gave different explanations regarding the use of Article 399 during the strikes, such as "breaking the resistance," "not

[126] Interview, January 17, 2012.
[127] Interview, January 17, 2012.

dealing with huge numbers of deaths in prisons," or "mobilizing a humanitarian approach". However, irrespective of the concrete reason behind the use of the article, it had unprecedented consequences for the political field in Turkey.

With the extensive use of the illness clause as well as of medical reports to solve the hunger strike crisis, political discourses and ideologies were boiled down to medical intervention, diagnosis, and evidence. Moreover, as Das noted in another case, "those who were locked in a combative relationship with the state and who had direct evidence of the criminality of the state nevertheless ended up being pulled into the gravitational force of the state through the circulation of documents produced by its functionaries" (2004: 229). Many hunger strikers ended up visiting independent non-governmental organizations, such as the HRFT or other expert institutions, to have their illnesses documented. These documents are medical reports that rely on biomedical knowledge. The bodily and mental traces of lengthy hunger strikes emerged as the only legitimate ground to fight for the rights of political activists, whether within or outside of prison. In other words, how various state institutions appropriated biomedical discourses and practices began to determine the nature of radical political discussions in the country since the early 2000s. Only certain discourses, documents, and arguments are considered part of the debate on hunger strikes. Irrespective of the truth-value of medical certificates produced by the ATK, the overall implication of the reduction of the hunger strike to its medical evidence has been the restructuring of the political sphere.

By tracing the use of the Article 399 in the aftermath of the hunger strike one can detect the traces of this restructuring. Hunger strikes ended in 2007 as a result of negotiations between the representatives of the government and radical leftist parties,

which were still carrying out the hunger strike at that time. Now, this article is frequently being used for seriously ill prisoners. Human rights activists and political parties organize campaigns for the immediate release of seriously ill prisoners drawing on this article. In the following, I show how new biosocialities are gradually created around the ill bodies of prisoners.

F Sit-ins

Every Saturday, following the Saturday Sit-in of the families of the disappeared in Galatasaray Square, the Prison Commission of the Human Rights Association organizes another sit-in protest at 1:30 p.m. to draw attention to the problems experienced by seriously ill prisoners. This commission is comprised of members of leftist political groups and human rights activists and its main purpose is to address human rights violations experienced by prisoners. However, it is mostly political prisoners who make contact with the commission in order to make their voices heard yet it is very difficult for the commission to reach out to ordinary prisoners. There are several active members of the commission: some of them are newly released prisoners, the relatives of prisoners, and others are lawyers. In the last two years their main focus has been on comprising a comprehensive list of ill prisoners in Turkey. They also regularly update this list using information gathered from the families , the lawyers of ill prisoners, and the prisoners themselves.

F sit-ins are carried out in a manner similar to Saturday sit-ins. Each week focuses on a single case story of a seriously ill prisoner, which is shared with the press and the participants. If the relatives or lawyer of the prisoner are at the square, they give

information on the prisoner's most recent health condition and whatever bureaucratic obstacles she or he may have faced when trying to acquire medical treatment at the hospital, or when receiving medico-legal reports from the ATK. In some cases, the letter the prisoner mailed to the commission describing his situation is read aloud at the square. These letters are usually full of details regarding the prisoner's illness, such as the progress of the illness, the kind of medical treatment s/he received so far, how s/he currently feels, who takes care of him/her in his/her cell and what kind of treatment and diet s/he needs et cetera. Finally, the commission members read their press statements. These statements almost always involve a call to bureaucratic and political authorities to take measures to prevent the death of ill prisoners.

These protests are called F sit-ins because people sit in the form of a capital F. There are two banners behind the F, which read: "The isolation policy kills. Close down F-type prisons!" and "We do not want any more deaths in prisons. Release seriously ill prisoners!" The rest of the participants stand behind these banners. Participants carry the pictures of ill prisoners or prisoners who have lost their lives while in prison. Yet others hold A3 size posters with the names of ill prisoners and their illnesses, or with slogans, such as the following: "Özgür Uygun: paralyzed," "Siraç Toğluk: severe cardiac patient," "Fesih Aslan: 80% mental retardation," "Fatih Gül: advanced tuberculosis," "Fırat Özçelik: brain overgrowth," "Do not collaborate with the system's health policy, stick to the Hippocratic oath," "the ATK should be independent," "treatment is an inalienable right," "anti-terror branch should be unauthorized," "isolation kills, solidarity keeps alive," "any authority over the right to life is murder," "as you leave them to death, we will hold their hands stronger". These posters are also placed between those who sit in the

shape of an F.[128]

When I began my field research at the Human Rights Association in 2011, the F sit-ins had just started. The commission had been organizing them for just two months but the participation was so low that they considered discontinuing the sit-ins. Only a handful of people were joining them[129] and in some weeks there would not even be a sufficient number of people to sit in the form of an F. However, things changed in unexpected ways in the last two years. Once the commission's work became highly visible even in mainstream media, more people started to participate in the F sit-ins.

According to the members of the Commission I spoke to, the transition to F-type prisons and the isolation policy implemented in them is the main reason behind the increased visibility of the question of ill prisoners. To them, this new prison system makes a healthy person ill. In dormitory type prisons, prisoners were not isolated from each other; they lived in solidarity and thus took care of one another. This would protect prisoners from illnesses. We do not have any data to compare the illness rate in pre- and post-F-type prisons. However, we know that the illness article (previously Article 399, now Article 5275) was rarely used before 2001 and there were no reports, columns, articles, or parliamentary questions regarding the situation of ill prisoners. The question has gradually entered the agenda of political activists, the press, and politicians only recently. For example, progressive members of the parliament presented written and oral parliamentary questions regarding the problems experienced by ill prisoners, their legal

[128] Fieldnotes, F sit-ins, almost every Saturday between January 2012 and March 2013.
[129] In 2012, these sit-ins were carried out in Taksim Square at 5pm but due to low participation the commission decided to move them to Galatasaray Square right after the Saturday Sit-in hoping that more people would join.

rights, the role of the Forensic Medicine Institution (ATK), and the anti-terror branch of the police. Due to unremitting public pressure for reform, the article regulating ill prisoners has changed twice in the last two years.

Ill Bodies: Political Prisoners as Patients

The question of seriously ill prisoners has emerged as one of the most burning questions in the agenda of human rights activists in the last couple of years. This started with a campaign carried out for the release of Güler Zere in 2009. Zere was suffering from advanced stage mouth cancer. According to the medical report prepared by the Çukurova University Hospital dated June 22 2009: "she is a heavily disabled person whose life is under serious risk. She is in need of the care and supervision of another person as well as intense and severe treatment including radiotherapy, which cannot be provided under prison conditions. Therefore it is advisable to postpone her sentence until she recovers"[130]. Since, according to the law, medical reports have to be certified by the ATK in order to be used by the courts, the Specialization Board at the ATK wanted to see Zere before certifying her reports.[131] Her lawyers argued that the Board could have certified the reports without seeing the patient in person. However, the ATK insisted on "examining" her. Despite the fact that the prison Zere was incarcerated in was far from the ATK offices in Istanbul, she was transferred to them after a 14 hours long trip on July 6, 2009. Zere explains how she was examined at the ATK:

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[130] This report was quoted in a parliamentary question submitted by Durdu Özbolat. See http://www2.tbmm.gov.tr/d23/7/7-9276s.pdf last accessed on September 1, 2014.
[131] http://www2.bianet.org/bianet/bianet/117002-adli-tip-gecikiyor-guler-zere-icin-hala-karar-veremiyor

> After spending the night at the Bakirkoy Prison in Istanbul, I was sent to the ATK office in the morning. After waiting for a while, I was taken in a room. A younger physician checked my pulse, listened to my heart rate, and asked if I was weak. I said "I'm weak." He said: "You just had an operation," for the sake of saying something. He didn't even look at the inside of my mouth, my scars. From the way he acted, I figured that they would not give a positive report. There were many physicians in the room. They didn't pay any attention to me. Before I even left the room, they took in another patient. So I wouldn't be surprised to receive a negative report.[132]

She turned out to be right. The ATK report said that "her treatment can continue in the prisoner ward of the Çukurova Hospital"[133]. She was not going to be released, but serve her sentence in the prisoner ward of the hospital. The prison rooms are no different from prisons in the sense that the patients cannot freely see their doctors or family. Two soldiers continuously watch over the patient. In some cases the patient is handcuffed to the bed. Zere's lawyers opposed this decision pointing out the contradiction between two expert reports. The ATK decided to discuss this contradiction at its General Assembly. Yet, the General Assembly meeting was not held for months due to missing documents in Zere's file. The process was prolonged and Zere's health was deteriorating day by day. Toward the end of the summer, her case became public and many state officials from the Ministry of Justice to the President of the Republic began to face questions about the fate of Guler Zere.

Different political factions were organizing campaigns and press statements for the "freedom for Guler Zere." For example, the People's Front (Halk Cephesi), of which

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[132] This quote is from the article written by Zere's lawyer after meeting with her at the prison ward of the Çukurova State Hospital on July 24 2009. The article is available at http://www2.bianet.org/bianet/bianet/116066-guler-zereyle-birkac-dakika, last accessed on August 2, 2014.

[133] This decision was taken by the third specialization board at the ATK. See the relevant newspaper article on this decision http://www.taraf.com.tr/haber-yazdir-37941.html last accessed on August 2, 2004.

Guler Zere was a member, organized a one month long sit-in in front of the Forensic Medicine Institution in August 2009 in order to protest the delays in the reports of the Institution. On November 4, 2009, approximately four months after Zere's examination at the ATK, the Third Specialization Board finally gathered to prepare its final report on Zere. The report testified that her illness is permanent and since there is no prospect of recovery, she should be released. However, this report increased the accusations made against the ATK all the more. Many people asked why it took so long to prepare the report and why the final report conflicted with the previous one the Institution prepared. Haluk İnce, the then head of the ATK, addressed these accusations on a television program he attended:

> We have to take into consideration the sensitivities of particular groups in society as much as the benefit of the patient while making decisions. Forensic Medicine faced a kind of pressure it didn't deserve for this patient. They set up a tent in front of the gate of the Forensic Medicine Institution for 85 days. Our employees were harassed. On August 27 approximately 1000 people were gathered in front of the ATK. If we were to give the reports they'd like to receive to anyone who set up a tent in front of the Institution, there would be no meaning to our scientific identity.[134]

His arguments stirred a debate over what extent the practices of the ATK are impartial and scientific. How can a scientific institution consider the sensitivities or thoughts of certain groups in society? His statements were regarded as an explicit confession of how the decisions at the ATK are made under political influence.

There was a feeling of victory among the Guler Zere supporters. The public campaign organized by human rights and political activists for Zere had turned out to be

[134] The transcript of what İnce said during the television show is available at http://www.bianet.org/bianet/insan-haklari/118056-haydi-cumhurbaskani-bekletme-guler-zere-yi-bir-an-once-affet last accessed on September 1, 2014.

very successful. Even the columnists of right wing newspapers wrote in their columns that Zere should be released and benefit from the right to access medical care despite her previous "terrorist" activities. They felt that the medico-scientific truth they had voiced for a humanitarian cause had won over the biased attitude of the ATK.

Zere's case revealed the newly rising sensitivity toward seriously ill prisoners. After the Guler Zere incident, many human rights groups mobilized to take action against this problem. In a similar vein, different political groups brought the question of ill prisoners to the head of their agenda. These groups were usually aware of the risks of conducting politics with a focus on bodily suffering and feelings of compassion. In a press demonstration organized by various political groups and human rights activists in front of the ATK just prior to Zere's release, the group's spokesperson stated: "The state now figured that after all of those unethical practices of doctors and bureaucratic obstacles, Zere would not recover. We do not ask for individual amnesty for Zere on the grounds of compassion, but demand the application of the article for the postponement of the execution of the sentence for all ill prisoners."[135]

The risks associated with the humanitarian clause (i.e., the illness clause) become most visible in the French context, where moral and compassionate arguments are mobilized to address refugees. In other words, what extent the illness story of the refugee calls on morality and compassion plays a crucial role in whether s/he will be entitled to benefit from the illness clause and thus gain legal rights. The image of a passive refugee usually renders his story more persuasive in the eyes of the medical personnel responsible

[135] The press statement is available at: http://arsiv.kizilbayrak.net/index.php?id=249&tx_ttnews[tt_news]=47896&cHash=ac12bc644f4d9cfd8fca2537feda63a5, last accessed on September 1, 2014.

for evaluating illness claims. People assume that there is an implicit tie between the sincerity of the applicant and his being silent and passive during the encounter (Ticktin 2011). However, in the Turkish context, political prisoners who brought this article to the public agenda most of the time occupy an uncompromising position vis-a-vis the state. They are unwanted citizens. They have always been active and vocal about their problems. Political prisoners cannot be an object of compassion in the eyes of state officials such as prison administrations, the representatives of the Ministry of Justice, or the Ministry of the Interior. In other words, unless they make their bodily grievances and sufferings public and legitimate, the illness clause will not be automatically enacted for them.

Also, most political prisoners do not want campaigns that are organized around their names and individual stories. Since they come from a collective and revolutionary tradition, they do not want to make demands only for themselves. However, unless their illnesses and suffering are made public in order to humanize them, it is very hard for them to obtain the medical reports necessary to postpone their sentences. That is why F-type sit-ins, campaigns, and petitions are organized around the individual illness stories of prisoners.

Ill Political Prisoner: "A Terrorist in Disguise"

Asad argues that "all judicial and policing systems of the modern state presuppose organized suspicion" (2004: 285). In a sense, every law evokes suspicion and gives rise to a discursive field around its application. This suspicion, which also leads to the uncertainty of law, is crucial to identify as well as manage the margins of the state.

As more political actors began to work for the release of seriously ill prisoners, the campaigns became more effective. They produced discourses and practices that operated as evidence for the ill prisoner's release. The suspicion inherent in the article was difficult to sustain. Thus, they made an amendment (Article 5275 Addendum: 24/1/2013-6411/3) in the article in 2013 that reflected the fact that from the perspective of the state prisoners were "terrorists in disguise". This new version of the Article requires the seriously ill prisoners meet the condition of "not posing a security threat to society." This condition did not exist in previous versions of the law. Before releasing the ill prisoner, the prosecutor now has to ask to the anti-terror police force to determine if s/he continues to pose a security threat to society.

One popular case is that of Ramazan Özalp. Özalp was paralyzed due to a brain tumor. The medical reports of the hospital and the ATK advised postponing his sentence. But, in accordance with the recent amendment of the law, the prosecutor requested law enforcement officials' opinion as to whether or not Özalp poses a security threat to society. Drawing on their report the prosecutor ruled:

> 'He himself does not pose a threat to the security of society, but in the case of his arrival at the village of Dirsekli in Idil province, he might be used as a propaganda tool by some political people and citizens, and this might give rise to various political actions and cause tension and conflict between citizens with different political views and security forces, and this situation might be reflected in the press and cause unrest.' After evaluating this opinion of the gendarmerie along with the forensic medicine report, it is decided that the request for a postponement of sentence of the convicted be DENIED.[136]

According to Gülizar, a human rights lawyer, this purportedly humanitarian clause in fact

[136] Bakırköy Republican Prosecutor's decision to decline the postponement of execution of sentence, dated August 19, 2013.

has "nothing to do with the humanitarian law"[137]. She says: "by using this clause, the state is freeing themselves of the burden of terminally ill prisoners. Ill prisoners are released only when they are at the final stages of their lives". Despite the open-endedness of the law, which empowers the law enforcement officials vis-a-vis suffering political prisoners, human rights activists and relatives of political prisoners continue to increasingly rely on reports obtained from university hospitals and the ATK in order to make claims for prisoners' right to access medical treatment. Drawing on the principles of medical ethics as well as international conventions, they challenge the article that reproduces the marginality of political prisoners

Tortured Bodies

We have already seen to what extent and in which ways the principles of medical neutrality can be compromised in the examinations of fasting and ill bodies at the ATK. We have also seen that these encounters are also sources of alternative networks of solidarity between physicians and patients. Beginning from the second half of the 1990s, but specifically after the admission of the Istanbul Protocol in 1999, and as a result of the pressure of the work of human rights physicians in the field of torture documentation, the government released a number of circulars, regulations, and instructions regarding how forensic physicians should examine the detainees. As I discussed in the first chapter, the Turkish penal code now has very detailed articles regulating pre- and post-detention examination and doctor-patient privacy. In what follows, I will focus on how medico-

[137] Interview with Gülizar Tuncer "Gülizar Tuncer: imprisoners are left to die" on September 13, 2013, available at http://www.sendika.org/2013/09/devlet-hasta-tutsaklari-olum-sinirina-getirmeden-birakmiyor-anf/ last seen August 1, 2014.

legal examinations of detained people with allegations or suspicions of torture and ill-treatment unfold.

In almost all hospitals, emergency doctors prepare pre- and post-detention medico-legal reports. To understand how this process works, I visited two large hospitals that are known to prepare hundreds of medico-legal reports for the police everyday. I made observations and asked doctors to tell me how the procedure works. In one of these hospitals, the doctor was showing me around in the emergency section of the hospital. He first showed me the stamp of the hospital, which contains the phrase: "there is no sign of battery and violence." The stamp was next to the record book in which all new comers are registered. As we were standing there, a police officer with two detainees entered and asked the secretary where to place the barcode in order to register the detainees. The secretary asked the young detainees, "Do you have any health problems?" One of the detainees responded, "they hit at the back of my ears and sprayed pepper gas in my right eye." The police officer interrupted, "this does not count as battery." The other secretary said: "we cannot register him here if he was beaten." The police intervened again and said: "this is not battery." Then the kid showed his wounded neck. This time the police seemed to be acquiescing: "ok, write down whatever you see." Yet, he insisted afterwards that "this doesn't count as battery." This went on for some time. Eventually the police took the detainee inside to see a doctor. If the detained person had not insisted that he was beaten, he would not have been permitted to see the doctor.[138] Many people, if they are not politically engaged, are usually afraid to mention that they have been beaten or badly treated or harassed while under custody. In the absence of a standardized practice, the

[138] Fieldnotes, a state hospital, March 30, 2012.

encounters between security forces, detainees, and physicians can turn into a moment of constant negotiation. One can encounter a range of practices in detention examinations across the country and observe the constant everyday struggle between the principles of medical ethics and how they will be implemented in the presence of law enforcement officials. In another hospital in which I did participant observation for a month, the medico-legal encounters were very different from the former hospital.

Dr. Oguz was appointed to a hospital as a forensic physician, which was interesting because there are usually no forensic medicine clinics in state hospitals. He is one of the trainers of the Istanbul Protocol and he is very knowledgeable about the national and international laws that protect the principles of medical ethics and neutrality in the face of the pressure that might come from police officers or prosecutors. He worked at the emergency department and gave pre- and post-detention reports to detainees brought in by the police. With the support of the hospital administration, he was able to establish the first forensic medicine clinic in a state hospital. The main purpose of the clinic is to make sure that every detainee is examined properly so that any allegations of torture will be detected, documented, and reported.

The system he established in this new clinic was based on the implementation of the basic requirements of the Istanbul Protocol concerning the medical examination of detainees, such as full body examinations, recording the story of each patient, not having security personnel in the room and allowing patients to be examined without handcuffs. Dr. Oguz argues that some principles of the Istanbul Protocol cannot be implemented during these routine examinations. For example, according to the Protocol, a standard examination requires approximately 20 minutes. This is neither realistic nor necessary

since most of the detainees do not arrive with allegations of torture or ill treatment.[139] The most important thing is to establish a system where not a single person who was subjected to ill treatment will pass undocumented. Dr. Oguz explains how he changed the detention examinations after he started to work at the hospital:

> Pre- and post-detention examinations are routine practices. There are basic things that need to be done. If necessary, the examination might take an hour or two. But there are more important questions you have to deal with: can you examine the patient without handcuffs? Can you keep the police outside the examination room? When I first came here, there was one doctor who was examining the patient from his seat as he was smoking in a small examination room. The policemen entered the room easily. The doctor had the "no sign of battery or violence was detected" stamp in his hand. I was very aggressive when I first came. I threw that stamp out. The first six months were especially very difficult. I printed out all the regulations on detention examinations and posted them on the walls. I was determined and never took a step back […]. Anyone who does not have a strong background in human rights couldn't deal with them. It was a such a tiring process for me.[140]

According to Dr. Oguz, physicians have to be very careful with their relationships with the police. After all, the forensic work of the physician is against the police. For example, Dr. Oguz almost never comes into contact with the police who bring the patient, except for a very few greeting remarks. One day when I was sitting in his office in the forensic medicine clinic, Dr. Oguz entered and asked if I heard the conversation between him and the police officer right outside the door. I asked what happened. He explained,

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[139] Dr. Oguz explains this point further: "We see approximately 70 to 80 detainees a day in our clinic. Not all of them are trauma victims. In the end this is an act of documentation. There are certain rules that one needs to pay attention to; otherwise, you cannot examine those who were subjected to trauma. For example, I never receive detailed stories from the patients. I do not ask the details. I ask in so far as to learn about the physical damage on the body. The focus should be on the physical examination. I would like the detainee to remove his clothes off one by one so that I can examine the whole body. It is necessary to see the whole body; otherwise you cannot examine a patient. Of course the detainee can refuse, in that case I want him to sign a paper declaring that he did not want to be examined" (Interview, April 10, 2012).

[140] Interview, April 10, 2012.

> For the first time I made jokes with a police officer and another one said 'I've been coming here for two years now and it's the first time that I see you like that.' Here you should always keep the police at a distance. If you say 'what's up?,' this would give a wrong message to the patient. In the end, your work is against the police. But once you start a dialogue with the police, you lose the trust of the patient. That is why I work here with a mask on my face. This happened for the first time in two years. Maybe one's principles deteriorate over time.[141]

Since there is no standardized practice in medico-legal examinations, the police can take the detainees to any hospital they like. Thus, one consequence of establishing a clinic that properly examines and documents physical and psychological traumas under custody is that the police try not to bring traumatized detainees to such a clinic for examination. Or, if they do not like the official medical report they received, they can tear it apart at the door of the clinic and go to another hospital to obtain another one. Dr. Oguz directly hands the medical report to the police if there is no torture, battery, ill treatment, et cetera. But if there is battery, or any other similar problem, then he seals the report in an envelope and stamps it in accordance with regulations. According to Dr. Oguz, even if the police tear apart the envelope, the patient could access the report from their clinic and use it later.

There are two main conflicts that occur during these medico-legal examinations: first is the question of whether or not law enforcement officials should be permitted in the examination room; second is if the patient will be in handcuffs during the examination. According to the Istanbul Protocol (Articles 122-123-124-125-126) and the European Biomedicine Conventions (Articles 2 and 4) as well as the universal principles of medical ethics, law enforcement officials cannot be present in the examination room and handcuffs should be removed. The primary task of the doctor is to provide whatever

[141] Interview, April 10, 2012

necessary medical care and treatment patients need without making any distinction among them. However, due to increased complaints as to the treatment and examination of prisoners in handcuffs, the Turkish Medical Association has made a press statement on medical examination:

> If a doctor examines or is willing to examine a patient with handcuffs on, this means that he violates the principles of Patient Rights, medical occupational ethics, the Istanbul Protocol, the Biomedicine Convention and the Article 90 of the Constitution and prevents the detainees from receiving equal treatment like other patients. The first duty of the physician is to provide equal treatment to everyone. Doctors cannot be forced to treat patients in handcuffs.[142]

The Trilateral Protocol, which was signed between the Ministry of Justice, the Ministry of Interior, and the Ministry of Health in 2001, sets procedures and principles as to how those in detention can benefit from health services. This Protocol introduces a number of administrative articles that allow security personnel to be in the examination room or to ask the doctor to treat the patient in handcuffs. These regulations have been harshly criticized by the Turkish Medical Association and human rights organizations. In other words, similar to the amendments in the illness clause, the trilateral protocol and other administrative regulations concerning medico-legal encounters introduce the element of uncertainty and suspicion in the application of the law in such a way as to legitimize the compromise of medical ethics. One direct consequence of this is to render the fasting, ill, or tortured bodies of political prisoners all the more vulnerable and marginal through medico-legal apparatuses.

Conclusion

[142] Available at: http://www.istabip.org.tr/index.php/haber-arsivi/3292-hic-kimse-kelepceli-muayene-edilemez.html, accessed September 1, 2014.

There is a continuum between prisoner health issues, hunger strikes, and torture. According to national and international laws, if seriously ill prisoners are not properly treated, or prisoners who are on hunger strike are forcibly fed, it amounts to torture. To what ends, in which ways, and under what circumstances a physician can intervene in the body of the prisoner is an exigent question. All the more so in the context of Turkey, where political prisoners have created a strong tradition of resistance. They call themselves "captives" or "hostages" because they are imprisoned by the state, which they define as their enemy. Their resistance to prison conditions or how security forces treat them was not primarily mediated through their bodily suffering. Rather, they blame the state and its fascist ideology and practices for their incarceration, as they do the state's disregard for the rights of prisoners. Until recently, it was not common or preferable for political prisoners to document the torture scars on their body.[143] The prisoners were not using their bodily illnesses or suffering to make any demands on state institutions. In other words, individual suffering or prisoner illnesses were not something that could be raised in the public sphere. This has been changing in the last decade with the work of human rights physicians.

The practices of human rights physicians who have been working to document the bodily sufferings of detainees have put pressure on the government, beginning in the 1990s. The government was criticized by international organizations, including the European Union, the European Court of Human Rights, and Amnesty International, on the basis of the alternative reports these physicians prepared. Indeed, beginning in the

[143] See the discussion in the first chapter in which human rights organizations invite the tortured to become witness and evidence of torture by being examined by doctors.

mid 1990s, the government has taken various steps to address the national and international pressure against the systematic torture of detainees. For example, the change in the penal code in 1993 brought about the obligatory pre- and post-detention medical examination and stated that these examinations should meet patient-doctor confidentiality standards. In the second half of the 1990s, the Ministry of the Interior, who warned law enforcement officials of the health-related rights of detainees and reminded them of their responsibilities as well, released a number of new regulations.

It was during the hunger strike between 2001 and 2007 that the illness clause was used to postpone the sentences of hundreds of hunger strikers. In this chapter, I argued that this marked the onset of a new medical humanitarian sensitivity that focuses on the individual bodily sufferings of prisoners, emphasizing the notions of medical ethics and patient rights. Medical humanitarianism is described "as a form of urgent ethical action driven by sentiment and need, albeit broadly sanctioned by law" (Ticktin 2010: 260). The primary critique raised against medical humanitarianism is that it draws on a moral discourse and compassion, which in a sense replaces "political-rights discourses and practices" (2010: 246). In her debate on the use of the illness clause in the case of the refugees in the French context, Ticktin argues that, "because the law is so open-ended, those asking for the protection it affords are entirely dependent on eliciting the compassion or pity of those enacting it" (2010: 249). Ticktin explores the new biosocialities created through the illness clause for those *sans papiers* in France and how these biosocialities are articulated through medical humanitarianism as well as through capital-labor inequalities in Europe. The purportedly apolitical illness clause increases the ambiguity of the process in which a refugee is granted certain rights in France. She

argues that this does not further human dignity; on the contrary, it is based on a restricted understanding of a human vis-a-vis citizen.

The illness clause in Turkey does not have a similar humanitarian genealogy. However, the way in which it was administered by the government during the hunger strikes point to how new biosocialities are created through medico-legal documentation of the suffering body of the political prisoner. Instead of attending to the content of their political demands, the government decides to solve the political crisis by addressing the bodily consequence of the act of a hunger strike. However, this had wider consequences in the long run in that it is now a legitimate act to make public demands drawing on one's illness story even in the eyes of revolutionary groups and parties. Even after the hunger strikes ended in 2007, the illness clause continued to be used in public statements and protests regarding the health conditions of prisoners and is also taken up by political prisoners and their families to make claims of the state.

In this chapter I tried to show that medico-legal encounters between physicians and detainees are mediated through the "discretionary power" of various state officials including but not limited to physicians. This discretionary power arises from the suspicion every law gives birth to. There is often a tension between the security concerns of the state and the principles of medical ethics; how it will unfold is determined at the local level, through encounters between patients, physicians, and security forces. According to the most recent amendment in the illness clause, the prosecutor should make sure that the release of the ill prisoner would not cause any threat to public security, irrespective of how sick he or she is. In a similar vein, according to the Trilateral Protocol, physician-patient confidentiality can be breached if a doctor feels insecure or

unsafe. The state does not recognize the presumed universality of the biological body in the law when it comes to the body of the political prisoner and his universal rights as a patient. The body of the political prisoner is a marked body and can never be transparent, or purely biological in the eyes of the “state”, even if human rights activists and political groups emphasize that theirs is an apolitical act inspired by humanitarian values and conscience in defense of the suffering body.

Chapter Four

Conflicting Witnessing Regimes around the Disappeared Bodies: The Case of the Saturday Mothers

Hasan Ocak's Story

On March 21, 1995 paramilitary forces in İstanbul kidnapped Hasan Ocak, a leftist political activist. A couple of days later his corpse was found next to a forest and the country police brought him to the Forensic Medicine Institution (*Adli Tıp Kurumu,* ATK). Official medical examiners performed an autopsy on the tortured body of Hasan Ocak, photographed it, and prepared an autopsy report. After being kept at the morgue for two months, his body was buried in a cemetery of the nameless in İstanbul in accordance with the legal procedures applied to all "unclaimed and unidentified" bodies. Concurrently however, his family was desperately frequenting police stations, hospitals, and morgues, searching for their "disappeared" son to no avail. Every official person they contacted gave the same response: "We don't have him. He is not here"[144]. Two months later the family found the body in the cemetery of the nameless following a tip leaked from the ATK.[145] This incident triggered a silent sit-in at the Galatasaray Square against

[144] Not only Ocak family, but all families of the disappeared receive similar responses when they contact state officials as they search for their loved missing ones.

[145] Hasan Ocak's older brother, Hüseyin Ocak, speaks of this incident as follows: "Everyday I was visiting the morgue of the Forensic Medicine Institution in Istanbul and other morgues around Istanbul. I wasn't able to find him. One day I received a phone call saying that Hasan Ocak might be at the ATK's main morgue. I went to the ATK, I went over the pictures of unidentified bodies. I recognized that one of them might be Hasan. It was a picture of a tortured person, and it was hard to tell if the picture was really him. They said the file came from the Beykoz Republican Prosecutor's Office and the body was found in the Buzhaneler area on March 26. Then we had his fingerprints and blood tested via the Prosecutor's Office. After these tests, we were sure that it was him" (Interview, October 22, 2012).

"disappearances under custody" (*Gözaltında Kayıplar*)[146] by a group of people who would later be named the Saturday Mothers (*Cumartesi Anneleri*). It was the Ocak family who first sat at the Galatasaray Square every Saturday at noon for half an hour to protest disappearances.[147] The father, Baba Ocak, explains how he devised this idea of sitting at Galatasaray Square:

> One Saturday they kidnapped my son. After his disappearance I applied to the Fatih Republican Prosecutor with a single headshot photo of Hasan. Hasan's pictures were everywhere in the daily news. But the Forensic Medicine Institution did not show him to us in order to cover up the crime of the police. When the Institution sent the body to the Fatih Prosecutor for burial, the prosecutor ignored my official petition regarding Hasan. Instead, he let them bury him in the cemetery of the nameless. 59 days later, after his detention, I saw the face of my beloved son in the cemetery of the nameless. I picked the front of Galatasaray High School to commemorate that day. For the first couple of weeks, it was only my 6 children and 3 grandchildren at the Square. Then I asked sensitive people to come sit with us, and they did."

The story of the Saturday Mothers started at the morgue doors of the Forensic Medicine Institution and the cemetery of the nameless. The ATK indeed looms large in the political

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[146] The term "disappearances under custody" is the most widely used terminology to describe acts of disappearance committed by state officials in Turkey. In the last couple of years, as more international documents on disappearances are translated into Turkish, the term "enforced/forced disappearances" (*Zorla kaybedilmeler*) has also begun to be used. According to the United Nations' International Convention for the Protection of All Persons from Enforced Disappearance, "'enforced disappearance' is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

[147] Saturday Sit-ins, Saturday Mothers, and Saturday People are the terms used to describe this civil disobedience action. Saturday Mothers is the most popular of the three terms. Those who initiated the Saturday sit-ins did not call themselves Saturday Mothers at the beginning because fathers, wives, sisters and brothers of the disappeared were part of the sit-in. However, since these sit-ins were similar to the civil disobedience movement of the Plaza de Mayo Mothers in Argentina, as a description of them, the term Saturday Mothers spread quickly. Regular participants of the Saturday sit-ins usually use the term "Saturday Mothers" to refer to the mothers and very close female relatives of the disappeared. They use the term "Saturday People" for those who regularly attend the sit-ins be they relatives, human rights activists, or ordinary people.

struggles and imaginations of the relatives of disappeared. While looking for their loved ones, families and human rights activists regularly check whether the body of the disappeared was brought to this Institution. The families were suspicious of this Institution. However, things looked different from within the Institution. For example, during my research, I talked to a forensic medicine specialist who used to work at the morgue of the Forensic Science Institution (ATK) at the time of the Hasan Ocak incident and he told me a somewhat different version of the story. Some parts of his narrative contradicted what I used to hear from Hasan Ocak's family and read in the leftist papers. When I mentioned this forensic doctor, the accusations made against the ATK raised by the family, such as not revealing the autopsy reports of victims of political violence, hiding the photos of the unidentified corpses from the relatives, and being complicit with the police, he replied:

> They are engaged in politics and they are doing politics. Naturally, they emphasize some aspects of the process more than others. I understand that. I don't have anything to say about that. But that has nothing to do with the reality. I mean that has nothing to do with me. When attacking me they mean to attack the state. I remember those days. They visited the Institution. They looked at the photos of unclaimed bodies to find Hasan Ocak's but they couldn't recognize him. And this is very normal. This is something we very frequently encounter. People very naturally do not want to recognize their loved ones when they are dead. There was no such thing as hiding the photos of him etc.[148]

This forensic doctor draws a boundary between the "state" and his practice as an official forensic doctor at the ATK. To him, he does not represent the state. Neither him nor the ATK kidnapped or murdered Hasan Ocak, nor did they conceal the reports. On the other hand, the family experiences the "state" as a unified entity. There is a continuum of "stately" practices which they encountered: it is the "state" who kidnapped Hasan Ocak,

[148] Interview with Dr. Cem, February 2009.

another “state” institution that secretly buried his dead body, and yet another which did not properly “investigate” it. The “state” kidnapped their child and now, “it” is using judicial and medical institutions to conceal “its” actions.

Found bodies of missing people can be seen as documents upon which the reality of the state is inscribed and forensic physicians read these documents through the lens of modern medicine during their autopsy performances. This is how they become witnesses to state violence; that is, by producing empirical knowledge regarding the dead body. The forensic physician I talked to applied the procedures properly: He performed an autopsy, wrote a detailed report regarding the cause of death, and took Hasan Ocak’s pictures and waited for his relatives to claim his body then finally sent it to the cemetery of the nameless. The autopsy report of Hasan Ocak detailed the scars on his neck caused by a cord and there were torture marks on his face and body.

When Kleinman discusses the practitioners of biomedicine, he claims that they “discount the moral reality of suffering” (1995, 32) by denying the patient’s and family’s experience. Something similar happened in this case. Forensic physicians’ indifference to the pain inflicted on the body is inconceivable to the relatives of the disappeared. The questions the latter raised were of a different sort than those that the physicians addressed: Why doesn’t it occur to the forensic physician that he might have a moral obligation that arises from his encounter with the tortured and murdered body of a person in a country where certain types of brutal acts have become routine in the workings of security forces? How could they not contact the families who were looking everywhere for their missing children? Why didn’t they try harder to find out who each person is and how they were killed? As I will show later, not only doctors but also many other official

representatives have consciously and unconsciously acted similarly in the face of disappearances. These practices are indispensable to maintaining a regime of denial in the face of political violence.

On the other hand, Hasak Ocak's family and their advocates were engaging in an alternative practice of witnessing. Theirs was a witnessing of the loss of a loved one, a political leader who was loved and known by many. His family, friends, and human rights activists mobilized all of their sources to locate him. When his body was found and he was buried after a huge funeral on May 19, 1995 in a poor leftist neighborhood, he became one of the symbols of revolutionary struggle in Turkey. His family and a group of human rights activists dedicated their lives to sharing their witnessing of his life and his disappearance and to making their testimonies heard. Their desire to testify to his brutal death created an alternative space to witnessing state violence in Turkey.

Disappearances at the Intersection of Evidence, Testimony and Witnessing

I will first briefly reflect on how we can trace the relationships between witnessing, testimony, and evidence. Different institutions, technologies, and social and political actors shaped the ways in which testimonies on disappearance are produced, circulated, archived and published in Turkey. When after the 1970s testimony had become increasingly crucial in narrating suffering, revealing atrocities, and establishing truth, it also became imbued with political meaning. The migration of such testimonies into the political domain gave rise to a multiplication of witnessing positions[149] as well as to

[149] For example, Redfield (2006) compares the modest witness to that of the expert witness as follows: "Unlike the 'modest witness' of the gentleman scientist variety (e.g., Shapin 1994), this

conflicting regimes of witnessing which "prescribe, in manifold ways, how one becomes a witness, what an authentic testimony is, and what it strives to achieve" (Givoni 2011: 57). It is within these regimes of witnessing that rules and genres of testimony are determined. Hence, witnessing can be the source of empirical and factual as well as subjective and singular knowledge. In other words, regimes of witnessing rely on different configurations of objectivity, subjectivity, singularity or collectivity. The contours of such configurations are historically and politically molded.

Also, when comparing evidence and data, Csordas notes that "evidence has to be of or for something, and that something is a hypothesis in a broadest sense" (2004: 475). In a similar vein, Engelke notes, "[e]vidence exists in relation to questions" (2008: 5). Giving evidence for or against truth claims in actual practice always require reliance on others.[150] One person cannot witness every evidence making process and has to rely on other people's witnessing practices through which certain evidence is established. This reliance on other witnesses (be they experts or lay persons) in real life also means "evidence, witnesses, and their testimony are intertwined historically, culturally, and situationally" (Kuipers 2013: 406). The analysis of these interactions in determining or denying the factuality of disappearances under custody is at the heart of this chapter.

I argue in this chapter that the struggle against forced disappearance is primarily a struggle around witnessing and evidence making. By disappearing a body, the state not

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collective entity does not simply retire from view amidst its evidence, and the virtue of its testimony is defined by public interest, not disinterest" (2006: 5).

[150] The relation between bearing witness and producing evidence can be traced back to the birth of the 17th-century empirical tradition. Transparent and legitimate witnesses to the matters of scientific facts are seen as the guarantee of objective empirical knowledge and empirical truth claims as well as the starting point for their critical re-analysis (Shapin and Schaffer 1985, Haraway 1996).

only disposes of an "insurgent" person and spreads terror over the population, but it also eliminates the traces of its own violence. The nature of this type of political violence poses unique problems for the relatives of the disappeared and their advocates as they struggle to discover the fate of their loved ones. By disappearing people, the state renders bodies, which are ideally under the protection of law, invisible and uncountable, and disseminates feelings of fear, uncertainty, and anxiety among the rest of society. Evidence does not only imply that which is self-evident, it also "establishes fact in a situation of uncertainty" (Csordas 2004, 478). The struggle against disappearances thus inevitably becomes a struggle over evidence and within which regimes of witnessing evidence will be produced and circulated. In other words, the struggle against disappearance is always also a struggle over truth and the methods with which it will be determined.

The Hasan Ocak incident is important not only because it triggered Saturday sit-ins in Istanbul; but also because it crystallized the intersection of different regimes of witnessing. There are different evidential regimes (Crossland 2013), such as that of science, legal testimony, criminal investigation, the expectations of relatives and human rights organizations, which are in conflict in this story. These regimes are mobilized to "produce knowledge" on the disappeared (kidnapped and murdered) body in different ways. They have competing demands, be they humanitarian, political, legal or scientific. In short, this chapter is an exploration of the intersections, articulations, and contradictions between different witnessing regimes in cases of enforced disappearances in Turkey. These intersections are imbued with hierarchical and incompatible encounters between different evidential regimes. To this end I will look specifically at the experience

of the Saturday Mothers who formed after Hasan Ocak's disappearance in Istanbul and have been key actors who brought together different positions and claims of witnessing around state violence. I will look at how the relatives and human rights activists developed different strategies to produce evidence against the denial regime of the state in cases of forced disappearances in the last two decades. I will also inquire into how the families of the disappeared engage with alternative modalities of witnessing to make their claims to truth and justice? What evidence counts as legible and legitimate in different institutional, political, and social contexts in questions of political violence?

I am also interested in how different state institutions have sought to cope with the ambiguity inherent in the act of disappearance. In this chapter I will also discuss how the police and the Ministry of Interior developed ways of delegitimizing and discrediting the Saturday sit-ins in the period between 1995 and 1999 in order to deny their involvement in forced disappearances. In the first part of this chapter I will historicize the mobilization of the relatives of the disappeared since the coup d'état, but specifically after the formation of the Saturday Mothers (or Saturday sit-ins) in 1995. Saturday sit-ins, which was the first public avenue through which families raise their voices against the enforced disappearances in Turkey, still continue today despite ten years of breaks between 1999 and 2009. I will approach Saturday sit-ins as a public space through which different witnessing practices and roles interact in a way to produce factual, emotional, and political knowledge to "evidence" disappearances. In its first period (1995–1999) the Saturday sit-ins mainly relied on testimonial strategies that sought to convince the greater public that disappearances under custody had indeed taken place systematically. I will also look at the period since 2009, which is when the Saturday sit-ins resumed. I will

specifically trace the trajectory of these witnessing practices at the Square after they were recorded, registered, archived and circulated via various media.

In the following chapter, my focus will shift to the encounters around material evidences and their effects on the denial regime of the state as well as the struggles of the families of the disappeared. To this end, the next chapter focuses on contemporary struggles over the truth of enforced disappearances in Turkey, which mostly unfold around the question of mass grave exhumations, the exhumed body of the disappeared, and identification processes.

Struggles Against Disappearances in the 1990s

Enforced disappearance has become a systematic counter-insurgency tactic of security forces after the military coup d'état in the 1980s and during the civil war between PKK guerrillas and the Turkish army in the 1990s.[151] After the declaration of the Emergency Rule in 1987 in 11 provinces of Southeastern Anatolia during the war, enforced disappearance has been used systematically first in Kurdistan and later in the western cities of Turkey. It specifically targeted the ethnic and ideological others of the nation, namely Kurds and leftists/revolutionaries. According to the report released by the Human Rights Association of Turkey in 2008, 1,251 people were kidnapped by state related

[151] Enforced disappearance as a paramilitary tactic in Turkey dates back to the early years of the Turkish Republic. On the 24th of April 1915, more than 200 Armenian intellectuals and community leaders were rounded up and deported from Istanbul. The whereabouts and fate of some of the arrestees are still not known to this day (Korkut 2010). During the rest of the century, this type of state terror was intermittently used against the socialist, activist, and non-Turkish or non-Muslim members of the population.

actors.[152] Most of these enforced disappearances took place in the mid-1990s when the war with the Kurdish guerillas was at its peak.[153] During these years, few people could publicly ask about the fate of their relatives even when they themselves had witnessed their being kidnapped by Turkish military and paramilitary forces (Avşar 2013). The Human Rights Association[154] was an exception. Beginning from the mid-1980s, the members of the Human Rights Association in Istanbul sought ways to end disappearances under custody. To this end, they organized campaigns against the denial of disappearances, gave press statements and filed complaints, and visited police stations with families who claimed that their relatives were kidnapped and disappeared by state security forces. For example, a public statement issued by the Human Rights Association on December 26, 1991 says:

> The newly established government is portraying itself as an apostle of democracy on the one hand, but acting as a bloody executioner on the other [...]. Especially recently, disappearances under custody and massacres in Kurdistan are increasing [...]. Today the only way to stop disappearances is that everyone who claims to be

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[152] The Human Rights Association formed this list with the contribution of the following organizations to submit to the United Nations: ICAD (International Committee Against Dissapearances/Kayıplara Karşı Uluslararası Komite) and YAKAY-DER (Yakınlarını Kaybeden Ailelerle Yardımlaşma ve Dayanışma Derneği/The Association of Solidarity and Assistance for the Families of Missing Persons). The list is available at: http://www.radikal.com.tr/turkiye/1251_kayip_var-911664, last accessed June 1, 2014.

[153] For example, 36 people in 1993, 229 in 1994, and 121 in 1995 were disappeared under custody. http://bianet.org/bianet/insan-haklari/52998-turkiyede-gozaltinda-kayiplar

[154] Human rights activists and the relatives of the tortured and imprisoned founded the Human Rights Association in 1986. It was one of the first non-governmental organizations that was established after the military rule ended in 1983. Systematic and extensive torture in police or military stations characterized those years and the lack of the proper flow of information was giving rise to too much speculation regarding the scale and extent of torture, death, and disappearances (İstanbullu 1986). Today, we know that only 13 people were disappeared under custody during the military rule. This number is low when compared to the coup experiences in many other countries. Most of the disappearances in Turkey took place at a later date during the war between the Kurdish guerilla forces and the Turkish army in the 1990s. Disappearances under custody became a systematically implemented policy by paramilitary forces during the 1990s with the implicit approval of democratically elected governments.

> a human be sensitive to this issue. Stop disappearances under custody!

Another press statement released on December 25, 1994 about Ayhan Uzala, who was kidnapped and disappeared for 20 days and found alive but badly tortured in a deserted area, states:[155]

> The state is responsible for disappearances under custody. Disappearances under custody have become one of the main tactics of the state along with extrajudicial killings, torture, and counter guerilla massacres. The lives of all opponents are under threat of the extralegal forces of the government. These forces are using clandestine methods of kidnapping people with undercover cars and taking them to forests or abandoned buildings to undergo interrogation. People disappear not only in regions that are under the rule of emergency but also in the middle of cities in the western part of Turkey.

As I discussed at the beginning of this chapter, the disappearance and murder of Hasan Ocak became a turning point in the struggle against disappearances in western Turkey. After his dead body was found in the cemetery of the nameless in Istanbul, his family and comrades organized a huge funeral. The collective anger revealed during the funeral gave rise to the Saturday sit-ins on May 27 in 1995. A press statement released by the Human Rights Association in 1998 describes how the first weeks of the Saturday sit-ins went:

> 27 May 1995: There were approximately 30 of them. They went and sat there. Their purpose was to sit there every Saturday silently for half an hour till the fate of the disappeared is revealed, those responsible tried, and disappearances stopped. They chose silence to make their voices heard. They sat so that people will rise up. They were holding 2 pictures. One was saying: Hasan Ocak was taken into custody just like hundreds of others, disappeared and found dead. We want the murderers. The other was saying: Rıdvan Karakoç was taken into custody just like hundreds of others, disappeared and found dead. We want the murderers.

The number of people supporting the sit-in increased each week. New families, members

[155] Ayhan Uzala is the single person who returned alive after being kidnapped by the police. That he held a double citizenship is probably the reason why he was not disappeared, but released alive as soon as a campaign to find him began.

of leftist and Kurdish political parties, and human rights activists began to come to the Square every Saturday at 12.00 to join the sit-in. However, on March 13, 1999, as a result of increased police violence at Galatasaray Square, the families and human rights activists decided to suspend the sit-ins for an unknown period. In its first period between 1995 and 1999, these sit-ins raised public awareness regarding disappearances under custody. Despite the fact that no government or military official was prosecuted for being involved in organizing these disappearances, thanks to the struggles of relatives and human rights activists, this counter guerilla strategy was no longer in use by the 2000s. The climate of fear and anxiety has slowly diminished, and a milder political environment was established in the country in the following decade, making it possible for the sit-ins to be resumed in 2009.[156]

Saturday Mothers as an Informal Truth Commission

Truth and Reconciliation Committees have emerged as an important transitional justice mechanism in the last two decades. The primary purpose of these committees is to help

[156] By 2009, disappearances under custody were no longer taking place. Governments that came to power after 2000 condemned some of the "exceptional measures" that previous governments had taken against the Kurdish people. However, impunity for the perpetrators still continues till this day (Atılgan & Işık 2012). There is still no national mediatory body that authorizes the collective recognition and amelioration of past atrocities, including disappearances. When the Saturday sit-ins resumed in 2009, one of the demands of the families was to be involved in the ongoing Ergenekon and Balyoz trials in which army officials are being tried for plotting a coup against the government (Avşar 2013). One representative of the Saturday Mothers, Sevda, explains to me how and why they decided to resume the sit-ins: "We wanted the Ergenekon trials to contribute to the democratization process in Turkey. We wanted to learn the fate of those who were disappeared under custody and demanded that those who were responsible be brought to justice. We wanted to remind people of those who pushed our children into acid wells, buried them in mass graves, threw them from helicopters into deep cliffs. We wanted to refresh people's memories. We wanted to say that we did not forget, we will not forget" (Interview, September 22, 2012).

post-conflict societies to come to terms with their violent past. They usually work within a time frame and follow certain procedures regarding how witnesses, perpetrators, and victims will provide their depositions, to which ends and for how long as well as how these depositions will be used and circulated in the legal, political, and social spheres (Green 1999; Ross 2003a; Ross 2003b; Sanford 2003).

Saturday sit-ins created an alternative political discourse and practice that cannot be understood in reference to conventional politics making in Turkey. It transformed the terms within which political violence is discussed and also introduced new forms of claims making in the public sphere. It is also through Saturday sit-ins that terms such as search for truth, civil disobedience, and memory entered the political scene.[157] In that sense, Saturday sit-ins work as an informal truth commission wherein the families of the disappeared share their testimonies, publicly ask for the fate of their loved ones to be revealed, and demand those who are responsible for these disappearances to be identified and put on trial.

Despite profound changes in the political atmosphere of the country since 1995, the ordinary routine and practice of Saturday Mothers sit-ins did not change very much. I regularly attended the Saturday Mothers' sit-ins between 2011 and 2013. During this time, I volunteered for the Commission Against Disappearances under Custody of the

[157] It was due to severe police pressure that relatives of the disappeared and human rights activists felt compelled to develop an alternative language. For example, one of the original organizers of the Saturday sit-ins, Sevda, explains why they never referred to their activity as a protest but only as a sit-in: "We never called this a sit-in protest. Because it would have given the state the opportunity to sue us. Instead we called it a press statement and a sit-in. We declared that we were starting our sit-in and we were just sitting. This was a defensive strategy, we were trying to be public and protect ourselves at the same time. That is why we were not carrying any political party flags, placards, etc" (Interview, September 22, 2012).

Human Rights Association in Istanbul, which, among other things, deals with the practical and organizational tasks of the sit-ins. Anyone who wants to contribute to the cause of the relatives of the disappeared can join the commission, which has at least 7 or 8 regular members, who are either human rights activists or family members of the disappeared. This commission has been active since the first Saturday sit-ins started in 1995. Three of the members have been active in the commission since 1995. These three women embody the practical and oral history of the Saturday Mothers. They know the unwritten rules of the Saturday sit-ins. These rules range from the practical organization of the meetings to the language that will be used in the press statements. They also personally know all of the families of the disappeared in Istanbul, as well as the names and stories of the disappeared in the Kurdish region.

Commission members are responsible for the practical organization of the Saturday meetings. Every Saturday Commission members, relatives of the disappeared, arrive at the Human Rights Association two or three hours before the sit-in. There are a number of practical things that need to be done before the sit-in starts at noon. For example, it must be insured that there are a sufficient number of red carnations[158] for the families to hold and mats to sit on during the sit-in. They also write and copy the press statement for that week and carry large photos of the disappeared from the Association building to the Square.

Each week a disappeared person is commemorated at the Square. Commission members decide which disappearance story will be handled each week. Before the sit-in,

[158] The red carnation is the symbol of the Saturday sit-ins and is d to commemorate the living memory of the disappeared. All families of the disappeared are given one carnation to hold next to the picture they are carrying at the Square of their loved ones.

they go over the details of that particular disappearance story. They talk to the lawyers of the case to learn if there have been any changes in the legal status of the case. If the family of the disappeared in question is not a regular participant of the Saturday sit-ins, the Commission contacts the family and invites them to the sit-in to share their testimony. They also try to reach out to the witnesses of the case so that they can testify once again in front of the press their witnessing of the disappearance incident. During the sit-in, a member of the Commission becomes the presenter, which is always a woman. She introduces the relatives of the disappeared who want to talk that week. The families usually talk about the disappeared person, her/his personality and political choices, and how he or she was disappeared and what they experienced since then, etc.

Galatasaray Square is both a symbolic and a material space in which families and relatives of the disappeared publicly testify to the life and disappearance of a person and to the injustices that befell them.[159] Individual and collective voices exist simultaneously in that space. As the families speak of their witnessing the loss of their loved ones during the sit-in, they make references to each other; emphasize the commonalities between their stories. This collective voice creates a witnessing position that attests to the truth of enforced disappearances. Their stories are not mediated through pre-determined genres and witnessing institutions. How these stories are heard and appropriated has changed over the years as the state tried to discredit these witnessing practices and testimonies of the families and human rights activists during the Saturday sit-ins. As I will try to show below, over

[159] Those who initiated the Saturday sit-ins had witnessed how Hasan Ocak went missing under custody and how his tortured body was found in a cemetery of the nameless despite the contrary statements of state officials. In other words, it was bearing witnessing to the disappearance of Hasan Ocak that had brought Saturday People together in the first place.

time, the latter diversified its witnessing practices and developed new strategies to express their experience in order to establish the truth of enforced disappearances in Turkey.

Disappearing the Evidence, Creating the Evidence

Encounters Between the Families and the Police

When Saturday sit-ins first started in 1995, they were new to the representatives of the state too. As the popularity and visibility of the Mothers increased each week, the Ministry of Interior and the police felt compelled to take them seriously. Each week those who gathered at the sit-ins were giving the names of the disappeared, accusing the cadres of the police and the military for killing their relatives. These events were causing the government national and international pressure. Given the non-conventional form of the sit-in action, representatives of the government enacted different methods against them that ranged from direct police violence to preparing anti-propaganda books.

Sevda, who has been joining the sit-ins since 1995, says that the police could not at first decide how to respond to protestors who claimed that they were not protesting but only sitting. Participants of the sit-ins were indeed not shouting slogans and not even carrying placards or banners; they were only displaying the photos of disappeared people. Toward mid-June in 1995, the police decided to take more serious measures against them. Another Saturday sit-in participant, Erkan Kayılı, said of those days: "40 or 50 people who are sitting would literally be circled by hundreds of policemen. Sometimes police cars would park where we sat. We would then sit next to those cars. On July 8 1995, the police physically attacked us for the first time and took 10 or 15 of our friends into custody" (2004: 353).

However, this attack further increased the public visibility of Saturday Mothers. Each week more people began to join the sit-ins. On the 14th week, instead of attacking the sit-in, the police developed a different strategy. They prepared pamphlets containing information about the "secret agenda" of the protestors, how they are manipulated by "illegal" forces and distributed them to those who watched the sit-in. However, in the face of increasing public outcry regarding disappearances in the national and international media, the state felt compelled to account for the disappeared people and to find ways to "heal the wounds" of the relatives of the disappeared, or so it claimed. In 1996, the Minister of the Interior, Mehmet Agar,[160] said "Mothers are going to receive a surprise today. We will not let mothers cry any more." Those who went to Galatasaray Square that Saturday saw a bus sent for the relatives of the disappeared by the Ministry of the Interior. The police in the bus were not wearing uniforms. "Mobile Search Center for Missing People" was written on the front of the bus. One male and one female police officer were making announcements from within the bus while three very fashionable female police officers in plainclothes were waiting in front of the bus with application forms in their hands. From then on, the Saturday People began to hear the following announcement every Saturday from the bus, which was parked next to them: "The disappeared belong to us all. They are our relatives too. They are our open wounds. Come

160 See Toplum ve Kuram (2012: 66–69) for a detailed portrait of Mehmet Ağar, who held important public offices from the anti-terror police unit in the 1980s to the Ministry of the Interior in the 1990s. He once confessed that he "organized more than 1000 secret operations in the name of the state". These operations are assumed to include torture, disappearances, and extrajudicial killings. Parliamentary debates around these operations are available at http://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic?P4=20573&P5=B&page1=21&page2=21 or http://www.tbmm.gov.tr/develop/owa/Tutanak_B_SD.birlesim_baslangic?P4=21178&P5=H&page1=34&page2=34 accessed August 15, 2014.

and let's heal this wound together. You can also apply to 24 hours open Missing Persons Department." Now the families and the police were taking turns when making speeches at the square in order to make their voices heard. Having already applied to every state related institution, the families refused to make any official application through this bus. They turned their backs to the bus and sat like that in protest. After several weeks, the bus no longer came to the Square. The state was in a sense mimicking the sit-ins, acting as if it could occupy a neutral and independent space. The families still speak of this incident with joy: the police, who kidnapped our children, are searching for our children with us at this Square. What irony.

Searching for the Disappeared in Police Files

As part of their anti-propaganda campaign against the Saturday Mothers, the police also sought to govern and manipulate ambiguities surrounding disappearance allegations to their own advantage. In 1998, the Ministry of the Interior Security General Directorate Anti-Terror Branch published a book titled: *The Real Face of Disappearance Allegations*. This book directly targets the Saturday Mothers, their advocates, and the Human Rights Association. The book explains its purpose as follows:

> After compiling the monthly bulletins of the Human Rights Association, we have sincerely and meticulously investigated all of the allegations as to people who "were disappeared after being taken into custody by the police" in the last three years. Consequently, we found out that the majority of the people who were claimed to disappear are in fact either imprisoned for aiding and abetting or fighting for the terrorist organization PKK, or they are persons who do not exist. (Terörle Mücadele ve Harekat Daire Başkanlığı 1998)

The report adds that, out of the 271 disappearance allegations mentioned in the HRA bulletins and reports, 72 of the allegedly disappeared persons turned out to be in prison,

48 of them were found and returned to their families, 3 of them died during clashes between terrorist organizations, and 7 of them were detained for various reasons and released afterwards. The report states that no police file regarding the remaining 125 people was found.

The report claims that they had conducted detailed and meticulous investigations of each single disappearance allegation in the HRA bulletins. However, the only thing they did was to look at the police files to see whether the person in question was ever taken into custody. The logic behind disappearance is to remove all legal protection for the detainees by not officially registering them. Thus, it is paradoxical to make the claim that the investigation of police files did not yield any results; that those 125 people were not registered does not mean that the police did not detain and disappear them. In many cases, it is almost impossible to know for certain the names, dates, and places around the act of disappearance — when, how, and where the person is kidnapped or detained, who witnessed his detention, by whom he was kidnapped, or killed, etc. This "investigative" report released by the Ministry of the Interior effectively uses the uncertainty surrounding disappearances under custody to account for the fate of the disappeared and exonerate the state. In other words, this report and the way it is presented are important gestures not only for claiming that the state is committed to the rule of law, but also for cementing the regime of denial in the face of the aforementioned challenges.

Bureaucracies, Liminal Spaces and Evidence

As discussed earlier, the struggle against disappearances is also a struggle against uncertainty and ambiguity. Suárez-Orozco argues (1992) that "[w]ithout a corpse to

ritually mourn, there is always the fantasy that the person is not really dead, the atrocities not real. The culture of terror thrived on ambiguities: [...] reports of widespread massacres circulated, even though there were no corpses to confirm them" (243). Disappearance and its denial are violations that have long term and emotionally challenging consequences for the relatives of the disappeared. Since one cannot be a hundred percent certain if the disappeared are alive or dead, a liminal space is created which prevents one from mourning (Zur 1994:15). As long as the families have no proof of the death, they continue to hope to find their missing loved ones alive, which means that for many years they are torn between hope and despair. Also, there are always questions and doubts surrounding the occurrence and the conditions of the disappearance. The state manages denying responsibility for disappearances by eliminating the victim of disappearance in the first place.

Due to the ambiguous nature of disappearance, reports prepared by human rights organizations are never final; rather they are updated every year. There are cases where it cannot be known for certain if the person disappeared willingly, or was detained by security forces and disappeared through force. For example, in the 1990s, it was common for political activists to flee the country or to go to the mountains to join the guerilla organizations of radical leftists, or the Kurdish party. In such cases, the person might not inform his family and the family might have applied to the HRA for their missing relative.

For human rights activists keen on establishing the truth of disappearance allegations, gathering evidence takes time, sometimes even years. As new evidence emerges through witness testimonies, police records, or confessions, human rights

organizations update their records, some names are removed from the list of the disappeared, while others remain or new names are added. For example, Lale is one of the female human rights activists who participated in the Saturday sit-ins since 1995. She was working at the Human Rights Association in Istanbul, which used to receive numerous applications regarding missing people in the 1990s. She remembers well how no one in public was taking them seriously when they started the Saturday sit-ins. As mentioned earlier, besides regular police pressure, the biggest problem for the Saturday People once they started their protest in 1995 was to make people believe that their loved ones were disappeared by security forces. As Lale explains:

> In the beginning no one believed us. We were receiving at least 4 to 5 applications a week concerning missing people. We were spending all of our time and energy to understand who is indeed disappeared by security forces. We were looking for them at police stations, morgues and hospitals and filing complaints at various state institutions. We were trying to reach any eyewitnesses who might have seen the disappeared person under custody, or when he or she was being kidnapped.[161]

In other words, the burden of gathering evidence which will prove that a person has been forcibly disappeared by state forces and initiating legal action always falls on the families, human rights activists, and their advocates. In many cases, the bureaucratic institutions of the state act as if the person is not missing despite all the efforts of the family and human rights activists to carry out investigations in the legal sphere regarding the fate of the disappeared.

The disappeared is neither alive, nor dead. This liminal space in the legal domain, which leaves families in limbo by preventing them from properly mourning, gives rise to a series of bureaucratic problems for them as well. This legally uncertain status creates

[161] Interview, Lale, January 17, 2012

real material difficulties and economic suffering for family members and is in some cases manipulated by the state (Bouvard 1994). As mentioned by Novak, "Many families not wishing to give up their hopes are reluctant to agree on a death certificate based on a legal presumption of death. Such reluctance has many further legal effects to the detriment of the families" (Nowak 2006: 2) For example, "a widow might receive a pension from the state, but the wife of a disappeared person does not. The same applies to the children, the right to inheritance, and similar matters of private and social security law" (Nowak 2006: 2).

Almost every family of the disappeared in Turkey experience similar legal problems; most of them have to receive a declaration of absence (*gaiplik ilami*) at some point in their lives, despite the fact that receiving this declaration means acknowledging that the missing person will not return. Specifically in cases where the parents of the disappeared die, it is nevertheless a necessary decision, since in the absence of one of the children a legal inheritance declaration cannot be done. To receive a declaration of absence the family must state that they no longer expect the disappeared person to return. It is indeed a very difficult decision to make for many families. Ikbal Eren, the sister of Hayrettin Eren, who was disappeared in Istanbul on November 21 1980,[162] tells what her family experienced after the death of her father:

> When my father passed away, the inheritance declaration became a big problem. We had to receive a declaration of absence for my brother. It felt like we were sacrificing our brother, as if he will not come back because of us. Without an

[162] According to the testimonies of his friends and relatives, Hayrettin Eren drove to the Haşim İşcan Street where he was going to meet a friend. The police detained him and his car. Fearful that he was detained, his family went to the Gayrettepe Police Station and saw his car at the parking lot of the police station, but the police never acknowledged that he was detained (Türker 1995).

> inheritance declaration, we would have to pay a fee for each day we did not receive one. We ended up applying to the court to receive a declaration of absence; now, we are prolonging the case. But I know one day the trial is going to come to a conclusion. I don't know what else the state can do to us afterwards.[163]

State institutions constantly remind the family of the absence of the loved person and his liminal legal status through various documents, letters, and phone calls. In other words, the "state" infiltrates into their lives by invoking the bureaucratic existence of the disappeared person in different ways. Almost all families of the disappeared I interviewed told me stories in which they had to deal with various official documents and papers concerning the missing person's military service, health insurance, social security and voting papers. Most of the families regarded these requests of the state as an insult to their mourning and their struggle to find out the fate of their loved ones. It is through bureaucratic procedure as such that the state forces the family of the disappeared to occupy the margins of the state as the mothers, fathers, siblings of a "terrorist," or a "socialist" person. Families end up being obliged to interact with various state institutions such as the population bureau, the military services office, and social security offices. I will again quote İkbal Eren, who tells how her family was regularly harassed with various official documents in the last three decades since the disappearance of her brother:

> We received military summonses for Hayrettin every year, voting papers for both local and general elections every four and five years. Each time we received such letters, my parents would get very upset. We would think that the state is making fun of us, making fun of our grief and loss. We've filed petitions at the police station and at the district governorship (*kaymakamlık*) several times asking them not to send these papers, but they continued to send them. Maybe they finally took our complaints into account because we haven't received any papers or letters in his name for the last two years. By sending all of this paper work in his name to our address, the state does not consider my missing brother as dead. And neither

[163] Interview, September 5, 2012

does it reveal what was done to him.[164]

By sending families such documents and not creating a legal category that acknowledges the legacy of systematic enforced disappearances in the country, the "state" continues to embrace this form of political violence through the daily workings of its bureaucratic apparatuses. In the absence of any political will to recognize the disappearance of these people, the families and their advocates re-experience their loss in their everyday encounters with the state. These encounters however also become a source of evidence for the families. There are sometimes contradictions between different state documents that point to cracks in the way the state operates. In some cases, families learn that the disappeared person is registered as dead in the birth records and they use these documents to find out who prepared the death certificate and which bureaucratic institution allowed the burial of the person. The disappearance story of Maksut Tepeli is one such example. On February 1, 1984, Maksut Tepeli visited a friend's house that the police ambushed. The witnesses claim that the police shot and detained him. He was hospitalized on February 5 and died on the same day and registered dead in the birth records without the knowledge of his family. However, his body went missing. The military prosecutor decided not to prosecute his death despite the existence of the Document of Corpse Examination for him at the Haydarpasa Numune Hospital.[165] His wife Şehriban, who fled the country after her husband's disappearance, learned via her relatives in İstanbul that there was a medical report in his name at the Forensic Medicine Institution. 19 years later, she wanted to renew her identity card and realized that she was registered as a

[164] Interview, September 5, 2012.
[165] For the details of the incident see the press statement of the HRA dated February 1, 2014 read during the 462nd sit-in of the Saturday Mothers.

widow in the state registry, which means that Maksut was registered dead at some point.[166] The lawyers of the family used all of these documents as evidence of Maksut Tepeli's disappearance under custody, but despite the abundance of evidence, no prosecutor decided to prosecute this case.

The state not only institutionalizes a regime of denial through various propaganda tools that simply deny acts of disappearance by the security forces, but it also intervenes into the lives of the families of the disappeared through various bureaucratic institutions as well. But these interventions are far from perfect; on the contrary, the daily routines of the state bureaucracies sometimes carry the clues of the crime of disappearance. In the following, I will look at the evidence making practices of the families of the disappeared.

Encounters at the Galatasaray Square

While the whole state apparatus is designed to ignore and deny the disappearances, human rights activists and families use different strategies to convince people that disappearances under custody were practiced systematically. These strategies were first developed at the public venue of the Saturday sit-ins. Moreover, witnessing practices developed at the Galatasaray Square have changed over the years and this in turn influenced the ways in which the Saturday People frame and articulate their narratives. I argue that space, memory, photos and stories have been used in the formation of these strategies. It is around the notions of space, memory, photos and stories that I discuss how witnessing, evidence making, and testimony intermingle as the relatives and human

[166] Also see the interview with Şehriban in: http://www.etha.com.tr/Haber/2011/03/01/guncel/kayip-yakinlari-ve-umut/, last accessed on March 3, 2014.

rights activists address the question of disappearances.

When the Saturday sit-ins first started in 1995, families had three political demands: end disappearances under custody, reveal the fate of the disappeared, and prosecute the perpetrators. On the other hand, the organizers of the Saturday sit-ins at the Galatasaray Square had only one goal in the beginning: that the square should belong to the disappeared and their relatives and friends.[167] This goal still informs their activities today. During the sit-ins, only the relatives and friends of the disappeared or those who witnessed the act of disappearance talk to the press. Activists and organizers do not want Saturday meetings to be associated with any political party or ideology in order to maintain the independence of the sit-ins. They try to keep an equal distance to all political factions and ideologies so that the Square will be open to people with different political backgrounds. This attitude seeks to carve a space that is solely dedicated to the stories of the disappeared and the experiences of the relatives in the polarized and crowded political space of Turkey. That Saturday sit-ins have always been a woman-centered action is also important in that regard. Female human rights activists and feminists supported these sit-ins practically and ideologically since they started. They have played a pivotal role in the formation and continuation of these sit-ins in the absence of support from political parties. In other words, the role of female human rights activists was crucial in maintaining independence and sustaining the sit-ins.

In the 1990s, many people who were active in oppositional politics lived under the threat of being subjected to police violence. Thus they approached Galatasaray Square as a relatively safe space where people can raise their voices against all kinds of

[167] See a similar situation in Argentinian context in Coutin & Hirsch (1998).

political violence they experienced. Those who come to Galatasaray Square for their disappeared comrades include not only mothers and relatives, but also members of different political groups. In the first couple of years of the Saturday sit-ins, there used to be many debates and conflicts among the participants.

Most of the disappeared were either associated with the Kurdish Liberation Movement or the radical Turkish left.[168] These groups would chant slogans that represent the political ideology of their organization against disappearances and sometimes, different groups would chant different slogans all at the same time.[169] Some groups stopped participating in Saturday sit-ins as a result of these conflicts, most of which concerned how the sit-in would be organized. Those who initiated the sit-in, i.e., Hasan Ocak's family and human rights activists, were insisting that only the question of disappearances should be raised at the square and that the sit-in should not be like conventional political protests where people carry placards and chant slogans. Old members of the commission who remember this early period recall how chaotic the sit-ins used to be. Sevda, who is a human rights activist and worked with the families since 1995, explains:

> It was very chaotic then but not only because of the threat of police violence, but because of the tension among different political groups. Some political groups were insisting on chanting slogans during the sit-in and we would warn them each week that this is a silent sit-in and ask them not to chant slogans or bring placards that represent their political parties. This would piss them off. Some of them would accuse us of being blind to other political issues, or not being sufficiently

[168] As I discussed in the previous chapters, the 1990s were the years when not only enforced disappearances but also extrajudicial killings and systematic torture against politically active people in police stations were all very common despite the fact that Turkey was not under military rule any longer, with the exception of the Kurdish cities.
[169] Interview with Lale, March 17, 2012.

political.[170]

Indeed, it took years for Saturday sit-ins to take its current form, where mothers sit in front of all other participants and there is only one placard lying before them that reads: "We know the perpetrators. Where are the disappeared? Human Rights Association, Commission Against Disappearances under Custody." No one chants slogans or asks to make a speech. If a mother remains in the back, someone immediately brings her next to the other mothers who are lined up in front of the crowd right before the press. This is a conscious political choice that gives the message that it is the experiences of mothers who lost their children that motivate the sit-ins. These mothers carry the pictures of their children, who belong to different political groups and have different ideologies. But the fact that they are all disappeared brings those mothers together. Irrespective of whether the majority of the participants are really mothers, the figure of motherhood determines the boundaries of the political discourse at the sit-ins. Everything at the square is determined by the needs and priorities of the families. The families are assumed to be the authentic witnesses to the disappearance of a loved one; theirs is not an ideological or political position per se, but a subjective one that derives from being an authentic witness. Their subjective witnessing experience produces a unique kind of evidence regarding the truth of enforced disappearances. The human rights activists who organize Saturday sit-ins always take the narratives of families at face value and build all their propaganda, research, and activism on their narratives.

These narratives become the starting point for human rights activists who work on disappearance allegations and follow these cases over years. It is on these narratives that

[170] Interview, September 22, 2012

press statements are prepared and circulated for Saturday sit-ins. In what follows I will show the meticulous work human rights activists engage in to make sure that every piece of knowledge written in the statement has an evidential value.

Press Statements as Pieces of Evidence

The language and content of the press statements also seek to maintain this "independence" from any ideological and political positions by relying on universal human rights rhetoric: enforced disappearances are crimes against humanity and those involved in this crime cannot enjoy the statute of limitation. Press statements read at the end of each Saturday sit-in underline the importance of the rule of law and remind the judicial and political authorities of their obligation to bring those responsible before the law. Despite the abstract human rights paradigm that shapes the political discourse of these statements, the information given is always very specific and concrete. Over the years, the Saturday People have gathered detailed and concrete knowledge regarding how every single disappearance took place, which state actors were involved in the act of disappearance, and how the family searched for the disappeared using legal and political means. Since each week one disappeared person is commemorated, a press statement is written on that disappearance case. The commission makes sure to incorporate every bit of knowledge regarding the case when preparing the statement and assigns the responsibility of writing the statement to one of its members. On Saturday morning, before the sit-in, members of the commission collectively review the statement one last time. It usually takes an hour to finalize the statement. Most of the debates revolve around questions like the following: "Are we sure of that name?" "Are we sure of that

date?" "Are we sure of that place?" Any piece of information that can be challenged by third parties is not included in the statement. Sevda approaches emotional sentences very cautiously and prefers to use legal language. On the other hand, Mine and Lale are more drawn to the experiences of the families, their striking articulations of the experience of loss and their emotional hardship. But there is a general consensus on the necessity of using emotional and legal/neutral language simultaneously in the statement.

In other words, the commission members mobilize varied means in order to "prove" that enforced disappearances did in fact occur. The truthfulness of the story mentioned in the statement does not solely rely on physical or legal evidence. The story also must incorporate subjective, personal, and idiosyncratic experiences of the families and other witnesses. The truth effect generated by the emotions and stories of the families are important because they cannot be refuted. They serve the purpose of increasing the persuasiveness and effectiveness of the press statements read during the sit-in. The following quote is the first paragraph of the press statement read on the 439th week of the Saturday sit-ins. The statement is entitled: "Prosecute the crimes against humanity committed by Bolu Commando Brigade!":

> On May 6, 1994 soldiers affiliated with the Bolu Commando Brigade organized a raid to Deveboyu hamlet in Kulp Çağlayan village. Villagers gathered in the middle of the village and were told that their houses will be burned down in an hour. [...] They later set up tents in front of their destroyed homes. On May 24, soldiers raided the village again and took Selim, Hasan, and Cezayir Orhan into custody. Salih Orhan went to Zeyrek Gendarmerie Command the next day to ask about his brothers Selim and Hasan and his nephew Cezayir. The commander told him that they were taken to Kulp. Then he talked to Kulp Gendarmerie Commander Ali Ergulmez. But he said he did not have any knowledge of the case.[171]

[171] Field notes, August 24, 2013.

The press statement usually starts with the disappearance story, i.e., how the incident took place, and this part is usually told in detail on the basis of available eyewitness testimonies. These testimonies range from the narrative of a Kurdish mother who saw her son being taken away by soldiers to a passerby who saw a person being kidnapped by an undercover police in a public area to a comrade who saw a person under custody in a police station. These statements are taken from court files, application forms at the HRA, or official petitions filed by the families. If there is no ongoing legal process concerning the case or no official testimonies made by the relatives, members of the commission try to find families, comrades, and friends of the disappeared to collect their testimonies. If available, confessions by paramilitary forces or state officials or military personnel and newspaper reports and articles are also quoted in the statement. In the next part of the statement the legal status of the case is reported, which sometimes includes an explanation of how the prosecutors resist launching an official investigation despite the availability of witnesses and evidence. All statements read at the square end by naming the political and military people who were in charge at the time of the disappearance; these people are accused of having either penal or political responsibility for the particular case. In other words, each statement is designed as an official complaint that actually invites public prosecutors to launch an investigation.

In short, press statements prepared by the Saturday People draw on both the personal testimonies of the families as well as on factual and physical evidence drawn from legal documents, papers, and trials. This mixing of the subjective and objective, of testimonial and physical evidence, makes each press statement an important document that seeks to "prove" the disappearance. Even though the human rights paradigm draws

the boundaries of the political discourse embraced in the statement, the power of these press statements lies in combining eyewitness testimonies and objective information and hence producing a larger truth regarding the act of disappearance. Another powerful means mobilized during the Saturday sit-ins to make their case is the photography of the disappeared.

Ageless Photographs

In the oppositional political space of Turkey the image of an old woman with a headscarf holding the photo of a young man or woman is identified with the Saturday sit-ins. In the first period of the Saturday Mothers (1995 and 1999), the families were using these photos to search for their relatives. In many cases, the family would come to the Galatasaray Square a couple of weeks after the disappearance with the hope that they will find the lost person by showing their pictures to the cameras, reporters, and passerby. The slogan of the square was then: "you have taken them alive, we want them back alive". Düzgün Tekin was a 21 years old worker and a trade union representative when he was taken into custody in 1995. People still recall the powerful speeches his mother, Elif Tekin, used to make at the square with her broken Turkish. In some video footage from 1995, she describes her son and how he was kidnapped:

> Düzgün Tekin is still missing. They kidnapped him. He was working in Bayrampasa. He did not commit a crime. Tell me Prime Minister, where is my son? His name is Düzgün Tekin. I applied to everywhere. But they tell me that they don't have him. Where did you hide him? I am hoping he is still alive.[172]

[172] These footages originally belong to Şanar Yurdatapan who made documentaries for a German television channel in the 1990s and the footages of the Saturday Mothers are in the archives of the Commission of the HRA. These footages do not circulate in the public, but researches and those interested can watch these footages from the 1990s at the Association.

After she finishes speaking, she turns toward the police surrounding the crowd and shows them Düzgün's photo and says: "look at this photo carefully, maybe you have seen him, give me back my son".

When the sit-ins first started in 1995, families were only holding small headshot photos of the disappeared in their hands, or attaching them to their clothes. This changed over time. Now, all photos are prepared according to a single standardized and larger format. The photo of the missing person is placed on a black background with a name on the top of the image and a sentence stating: "this person was disappeared under custody on day/month/year" on the bottom of the image.

One important task of the members of the HRA is to arrange the photos of the disappeared before coming to the square. There are photos of more than 300 disappeared people in the office of the HRA. HRA members distribute these larger photos to the participants of the sit-in. If the family of a disappeared person is living in Istanbul and coming to the Saturday sit-ins, his photo is put in a separate bag called *family bag*. Each week, a different person from the commission is responsible for this bag. When I joined the commission I did not know most of the families in person, but in a few months I came to know all of them and was given the responsibility of carrying the family bag. After separating family pictures from the rest and putting them in the family bag at the HRA office, I would bring the bag to the square before the sit-in started and would give the family members the photos of their loved ones as they arrived to the square. They would thank me and some of them would kiss the picture when I gave it to them. Others would bring a clearer or new photo of the disappeared and want me to prepare it for the next meeting. They would caringly hold these pictures throughout the sit-in and return them to

me once it was over. It is very important for family members to hold these photos; on the other hand, those who live outside of Istanbul follow the news on alternative channels that broadcast the Saturday sit-ins to learn if the Saturday people raised the photos of their loved ones. Some of them call and thank the HRA afterwards.

The families describe the Saturday sit-ins as meetings with the disappeared. Sometimes the photos in the bags would get mixed up or we would forget to give the family the photo they were waiting for before the sit-in started. In such cases, even if the family members were momentarily upset, they often immediately said: "don't worry about it, all of them are our sons and daughters, we don't make any distinction between them".

The photos of the disappeared play a crucial role for the Saturday sit-ins, not only for the families, but also for the spectators. The photographs of the disappeared are the primary "documentary evidence of a human life" (Taylor 2003: 177). Thus, by showing, holding, and circulating this evidence, families first of all attest to the life and existence of the disappeared. Taylor notes that the Madres in Argentina "use photo IDs of their missing children as yet another way to establish "truth" and "lineage" because the photo IDs are like DNA that "establishes the uniqueness of each individual" (2002: 159). By showing the ageless photos of the disappeared people to the viewers and cameras, families first of all want us to identify, know, and recognize the disappeared as a real human being. It is through these pictures that the relatives also show their witnessing the existence of the disappeared. They make the disappeared visible again.

The representation of human suffering always has limits. There are humanizing and de-humanizing aspects of representation (Sontag 2003). There are iconic pictures of

suffering that awaken our moral sense of humanity, pictures which might also be de-humanizing. In the case of the Saturday Mothers, the photos carried by them are not arbitrary pictures of suffering; they were taken when the disappeared was alive and healthy and now the family of the disappeared carries these photos. These pictures enable the Saturday people to establish morally binding ties with those who watch them.

That one is not living under conditions of immediate (economic, political, or medical) emergency gives the illusion that we can reflect on the nature of the morality of others' acts. But in real life there is no prior self or will that fully accounts for a person's morality. According to Butler (2006), there is no neutral and untouched space where an autonomous individual can make "moral" decisions without being hurt and challenged by the face of the other. This is where the question of sacrifice also enters. The face of the precariousness of the other puts me in a morally binding relationship. Only in so far as I am addressed by an other can I be in a morally binding relationship. Our ordinary worlds are fraught with small and large gray zones where we willingly or unwillingly make certain moral decisions. The face of the disappeared person held by a family member invites people to that small grey zone where they are asked to make moral decisions. In other words, the moral character of the person does not exist before the act itself but only with the act of sacrifice, which changes that person's moral status.

It is the families (mothers, fathers, sister, daughters, etc.) holding the photos of their loved ones who become the embodiment of suffering and create visceral moral ties at least momentarily with those who join or watch the sit-in. What these mothers do is to invite others who do not live under conditions of emergency to witness their loss via these photos.

It is usually not easy for the passerby to see Saturday People because cameras, reporters, etc. surround them. However, those who see the photos of the disappeared from among the reporters usually approach the sit-in and ask: “what is that for?” “Who are these people?” “Why are they sitting?” They cannot stay indifferent to hundreds of photos raised by a group of people in the middle of Galatasaray Square. The photos stop them in their tracks. During the sit-ins I would usually be standing because I carried the family pictures for the families who arrived late and therefore very frequently encountered such questions. Even if people who approach the crowd do not listen to my explanations as to why these people are sitting with these photos, they continue looking at the photos as if haunted by them.

The families’ calls to witnessing are not restricted to the Saturday sit-ins; it takes place in many different venues via various media. Once the families share their testimonies at the square, independent of them, these testimonies begin to circulate amongst the public. In what follows, I will trace the trajectory of the testimonies recounted at the square since the mid-1990s.

Trajectories of Saturday Testimonies

As mentioned earlier, the Saturday sit-ins work as an informal truth commission where the families share their testimonies. Nevertheless, in the first period of the sit-ins (between 1995–1999), it was too much of a courageous act to discuss, talk, or write about Saturday Mothers and to insert them in the social imaginary mainly because of the constant police threat at the square in the face of the mothers’ unremitting insistence to continue the sit-ins. Despite their sporadic remarks recognizing the Saturday Mothers as

mothers, most state officials criminalized them through labeling them terrorists, or the families of terrorists. In order to challenge this criminalization, between 1995 and 1999, the families were very much willing to tell their stories and share their experiences. The mainstream media was mostly silent toward them. Yet, thanks to a handful of reporters and writers, their testimonies found their way into books, newspapers, documentaries and radio and television programs[173]. Most of these works sought to contribute to the cause and legitimacy of the Saturday Mothers. They were mostly based on interviews with the mothers or wives of the disappeared and accounted the life story of the missing person along with the experience of loosing one's loved one. The life stories included school success, political choices, hobbies and fears, their last words to their family, their relations with their family and friends. The interviews also consisted of how the disappearance occurred, how the family of the disappeared person looked for them, and how they were treated at various state institutions. The families named the possible perpetrators, collaborators, and those who were politically in charge at the time of the disappearance. Accordingly, for those who read, watched, or listened to these testimonies, the disappeared ceased to be an abstract category and became real human beings. This humanistic portrayal of the disappeared from the eyes of their mothers through the medium of story telling strongly contrasts the criminalizing language of the state. However, inspired by the idea of the sacredness of human life, this type of portrayal carries the risk of trivializing the political agency of the disappeared person. Some families are keener to emphasize the political character of the disappeared, feeling that

[173] Türker (1995) and Günçıkan (1996) wrote books about Saturday Mothers after making interview with the families of the disappeared. Several issues of *Pazartesi Magazine* were devoted to the Saturday Mothers and the political mobilization of mothers.

the more the humanistic side of a person is emphasized, the less important is his or her political agency. Still, this type of description is seen by the Saturday People as indispensable for convincing the public of the existence of the disappeared person and his or her "undeserved death" by fleshing out his or her character as a unique person.[174]

This humanistic portrayal of the disappeared accompanies the emphasis given to the role of motherhood and motherly pain in the formation of the Saturday sit-ins. Every newspaper article and book used the term Saturday Mothers to describe the sit-ins and families and human rights activists appropriated this term as well. The reporters insisted on making interviews exclusively with the mothers despite the fact that there were also sisters, wives, fathers, uncles and brothers of the disappeared at the sit-ins. Journalists, academics, and the general public were interested in hearing the stories of the mothers because they thought that the pain of the mother is unique. They believed that because of the "natural" ties between mother and child that she never stops searching for her disappeared children.

People were also interested in hearing how mothers left their homes in search of

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[174] It is mostly the stories of the disappearances in Istanbul that circulated in the second half of the 1990s despite the fact that most of the disappearances had taken place in Kurdish cities. This was because most families in Kurdistan could not file a petition due to the threats of local military and bureaucratic authorities. The Saturday People knew that enforced disappearances were being systematically practiced against the Kurds in the Kurdish region. Most of the Saturday People were themselves Kurdish and had to move to Istanbul due to war in the region. In their press statements, they were exposing the connections between disappearances in Istanbul and Kurdish cities. For example, a press statement issued by the Human Rights Association on December 13, 1997 says: "Especially in the war region, many people were taken from their villages and did not return. Their families cannot even ask for these people. Because looking for the disappeared and filing official complaints means to face the risk of being subjected to disappearance as well. If you are a Kurd in the western cities [of Turkey], it is still dangerous for you to look after your relative who is kidnapped by the undercover police". On March 25, 1996, the relatives of the disappeared from the Kurdish region visited the Saturday Mothers to make their voices heard, to ask after the fate of their sons and husbands.

their children and how this experience transformed them and eventually politicized them. (Temelkuran 1997; Günçıkan 1996; Türker 1995). In the search for their children mothers challenged their domestic and familial roles, sometimes at the expense of having conflicts with their husbands. The difficulties the mothers encountered in the public sphere and how they dealt with these difficulties were at the heart of the narratives that were consumed by public (Günçıkan 1996; Türker 1995). These works have played a crucial role in the portrayal of the Saturday Mothers as legitimate political actors in the political field.

The expectation was that these narratives would change people and their actions. In other words, the acts of testimony are also moral acts that seek to eradicate "indifference" (Givoni 2001). However, it is very difficult to have such connections between testimony and moral acts in a society where testimonies are "prone to spread indifference" (Givoni 2001: 150) as well. In Givoni's words, the "moral effect [of testimonies'] is diluted because they now interpellate ever-growing audiences in a globalized public space, in an ever-increasing intensity and pace" (150). This is something that the Saturday Mothers have experienced very intensively in the second period of the sit-ins, which started in 2009.

The members of the Disappearance Commission know all of the families of the disappeared in Istanbul and they receive at least 2 to 3 telephone calls and emails per week that ask for an appointment with some of the Mothers.[175] Each week members of the commission are contacted by everyone from: students trying to finish theses or

[175] Since there is trust between commission members and the families, before accepting an interview request most families ask the members of the commission if the interviewer is trustworthy.

homework on mourning, loss, memory or motherhood; reporters who want to prepare an article on the history of the Saturday Mothers; documentarians who want to film the life experiences of the Mothers; photographers who want to witness the grief of mourning mothers and wives through their cameras, etc.

During the time I worked at the commission, I observed that in the face of the increased demand for the testimonies of the Saturday People, more and more families, specifically mothers, and irrespective of whether they were Kurdish or Turkish and to what extent they were engaged in politics, did not want to engage in dialogues any longer. Many family members no longer want to share their experiences with third parties. What has changed for the families in the last two decades that makes them reluctant to share their testimonies? What does it tell us regarding the limits of witnessing? What are its implications for political and moral actions?

Between 1995 and 1999, when the relatives first started the Saturday sit-ins, they had the expectation that the missing person might return alive. They thought that if their voice was heard there was a chance that their loved one would be released.[176] Besna Tosun, who witnessed her father being kidnapped by plainclothes police when she was 12, tells of her first visit to the Saturday sit-ins:

> My first time at the Saturday sit-in was only a couple of months after my father's disappearance. I was very hopeful. I was 12 years old and was not aware of anything. But I had seen how my father was kidnapped, who kidnapped him, and the license plate of the car. I had the belief that I would tell what I saw and that it would be enough to find my dad. I told everything in detail but I was very sad when I returned home because the sit-in was only very briefly mentioned on tv. It was very difficult for me. You tell the same thing over and over again for all these

[176] Except for one case, none of the disappeared returned alive. Ayhan Uzala was left in an abandoned area after being kept in secret detention for more than 20 days.

years and no one hears your voice.[177]

What Besna Tosun experienced as a little girl holds true for many families, most of whom now feel the same way. In the first period, the families had concrete expectations from sharing their testimonies: if they could convince people that their sons are at the hands of the police or the military, someone would feel for them, someone might take action to find and release them. When the Saturday sit-ins resumed in 2009, the political conjuncture was different. Disappearances under custody had stopped and most families were no longer waiting for their relatives to return alive. But they returned to the square ten years later because they still wanted to learn the fate of the disappeared and have the perpetrators prosecuted. From Galataray Square they call out to the "social conscience" of the people; their idea is that it is only through the mobilization of the social conscience that the government will take them into account and meet their demands.

However, increasingly more families now think that their testimonies do not eradicate moral indifference about enforced disappearances. Accordingly they even stopped sharing their testimonies at the square. For example, one Saturday sit-in in September 2013 was dedicated to those who were disappeared in the aftermath of the military coup. The relatives of the 1980 disappearances (*1980 Kayıpları*) were speaking in turn. İrfan Bilgin is the brother of Kenan Bilgin, who was disappeared right after the coup. When it was his turn, İrfan took the microphone, turned to the crowd and said:

> His case is no different from other disappearance cases. That is why I am not going to tell you his story today. I have been telling it for years. We have been announcing from this square the names of those responsible, the names of the

[177] From an interview made by Besna Tosun in 2012 available at http://www.bianet.org/bianet/ifade-ozgurlugu/142682-birinin-kaybedilmesiyle-basliyor-her-sey, accessed April 1, 2014.

> perpetrators. They did not hear us and they did not want to hear us. From now on, I will not have any demands on the part of the official or legal authorities as to the trial of the perpetrators in this county.[178]

That Saturday, two other families of the disappeared declined to publicly announce their stories. A relative of Hüseyin Morsümbül, who was disappeared when he was 18 years old following the 1980 coup, said that they have talked for 33 years and that there is nothing left to say. In a similar vein, Muzaffer Yedigöl, brother of Nurettin Yedigol, who was also disappeared under custody during the military rule, covered his mouth with black tape to protest how their stories and demands are not being heard. The reluctance of some families to tell their testimonies is a response to the numbing of the moral sense of the spectators. The families' reluctance to tell the same stories over and over again has to do with the way these stories are circulated and consumed by the larger public. As one mother once told me: "There is no use in telling these stories. We have been telling them for years, you have been listening to us for years and nothing changes"[179]. The way these stories are consumed does not lead to the disclosure of the fate of their loved ones or to the prosecution of the perpetrators.

Still, some other families continue to tell their stories and experiences from the square but decline to give one-to-one interviews. During my fieldwork at the commission, I was frequently given the task of asking different mothers if they would be willing to give an interview to this or that television channel, documentarist, reporter or student. Hanife mother[180] is one of the mothers who always refuses to give interviews.

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[178] Fieldnotes, September 7, 2013.
[179] Fieldnotes, October 3, 2013
[180] During the Saturday sit-ins, everyone addresses old women whose children are missing as "mother" (*Ana* in Turkish) irrespective of their gender and age.

Even though she is in her late 50s, she is one of the youngest mothers at the square. Her son Murat was disappeared in 1995 after being detained for being involved in a fight with the police. She arrives at the association very early every Saturday and waits silently in a sad mood until the sit-in starts. She usually looks thoughtful and uninterested to people, but if someone does not show up for one week, she makes sure to ask if the person is okay the next time she sees him or her. Her speeches at the Square are known to be emotionally laden as well as politically harsh. She shared her experiences after her son was disappeared, criticizes the government, and reads the poems she wrote for her son. Whenever she talks at the square, we had to make sure that someone would sit next to her to hold her in case she fainted. In most of her speeches, the hand with which she held the microphone and her voice started to tremble at some point, she sweat and then let her body collapse on the person next to her. There would usually be one or two minutes of silence at the square before the next person would start speaking; even making short speeches at the square has such visceral consequences for her. The emotional burden of being the family of a disappeared person manifests itself during the interactions with the others at Galatasaray Square. Once, another Saturday Mother, Hanım Tosun, whose husband was kidnapped in 1995, told me: "when I tell my life story to a stranger from beginning to end, it takes me a couple of days to recover. I cannot deal with it. It feels like re-living everything all over again".[181]The delicate balance one establishes in her everyday life in the aftermath of the loss is unsettled when she is asked to tell her life story from beginning to end. Therefore mothers are increasingly more selective as to how

[181] Fieldnotes, October 18, 2012.

and where to tell their stories.[182]

The multiple requests made to the Disappearance Commission show that there is now an increased public desire to witness, hear, or read the emotions and sorrows of the families of the disappeared, especially those of the women and mothers. This desire to witness the mothers' experiences poses unique questions regarding witnessing and political mobilization. Different from the earlier period where people were interested in how mothers became politicized and how they encountered police violence, in the second period of the sit-ins, it is the subjective suffering experiences of mothers that many people are attracted to. People can now approach and join the Saturday Mothers without taking the risk of being physically and verbally harassed by the police. This means that ordinary people with no political background, especially young people, are now increasingly interested in the Saturday Mothers.

Thanks to the availability of recording devices and cameras, every Saturday sit-in is filmed, photographed, or recorded by reporters, students, tourists and passersby and are put into circulation through various social media such as twitter, youtube, Facebook and blogs. Testimonies as well as representations of the Saturday Mothers can now easily make their way to the larger public. Indeed, the number of documentaries, books, official and non-official reports on the experiences of the relatives has increased exponentially in the last couple of years. Berlant (2005) argues that the ethics of storytelling about trauma

[182] In her research on the South African Truth and Reconciliation Commission, Ross shows how the wide circulation of testimonies influenced understandings of the self (2003a, 2003b). By avoiding straightforward explanations as to the political consequences of these narratives, such as public recognition and the acknowledgement of suffering, she shows how political, historical, and personal inequalities influence the social life of testimonies in such a way as to change testifiers' subjectivities and vulnerabilities. In her unpublished dissertation, Nazan Üstündağ (2005) makes a similar point regarding the experiences of Kurdish women forcibly migrated to Istanbul.

"against the normative world of the law" is an important tool to challenge the "conditions of what counts as reliable evidence and argument" (44). The boundaries of the ethics of story telling are also shaped by the mediums through which these stories circulate. The change in the technological infrastructure as well as the emergence of alternative channels of media affected how the Saturday Mothers are perceived by society. Despite the fact that the families have been telling more or less the same stories since the mid-1990s, the ways in which these stories are circulated and perceived are not the same. As more people are exposed to images, videos, photos and stories of Saturday Mothers, they begin to approach the "Saturday Mothers" as a spectacle, but a spectacle of pain.[183] In social imagery, the Saturday Mothers have come to epitomize a group of mothers who are made up of pain, grief, and mourning.

In order to show how the stories of the Saturday Mothers are produced, circulated and appropriated in the public, I will focus on the experiences and the figure of Berfo Mother, whose son Cemil Kırbayır was disappeared under custody immediately after the 1980 coup d'etat. This case is exemplary because a recent parliamentary investigation commission report determined that Kırbayır was indeed disappeared under custody. This

[183] This situation might sometimes cause incongruous requests from students. On one occasion, a psychology student visited the Saturday Mothers and introduced herself. She said she "needed" six mothers whose children were disappeared and she "preferred" that none of them found the bodies of their children yet. She said she was going to compare their mourning processes to that of "normal" mourning processes where the dead body exists and is properly buried. She knew that the children of these mothers were missing but she had no clue as to the reason why this was the case. She knew something bad happened to them, but she was not interested in who caused this and to what ends. Her focus was on the mothers and their painful mourning processes from a psychological point of view. The way she approaches the Saturday Mothers is through their popular representation in the media. Not only does the media homogenize the mothers who lost their loved ones, but also picks certain stories and certain narratives of disappearance that fit into a predetermined framework which emphasize the suffering experiences of the mothers beyond and above everything rendering differences among women and their political agency less important.

case also important because Kırbayır's mother, Berfo Kırbayır, became an iconic figure who symbolizes the Saturday Mothers in the public imagination. I will ask questions such as: How did the life story of Berfo Mother circulate in the wider public? Why did the figure and image of Berfo Mother became an iconic figure of the Saturday Mothers and spread very quickly, including in the mainstream media? How was this image consumed? Before proceeding to answer these questions, it is necessary to examine Cemil's disappearance story.

Cemil Kırbayır was a leading figure in a radical socialist political party when he was taken into custody in Kars on September 13, one day after the 1980 military coup. He was living with his family when soldiers raided his home. He is the first person who was forcibly disappeared after the coup. According to the police "the suspect ran away during the interrogation. All military operations in the region to find him failed. It is highly plausible that he might have fled to Iran"[184]. Whenever the Kırbayır family inquired into Cemil's whereabouts they heard these same sentences from various state officials and institutions in the two decades following his disappearance. In 2011, a parliamentary commission for human rights violations concluded that Cemil Kirbayir was tortured to death under custody and his body went missing. It was one of the few cases where the Turkish state publicly acknowledged enforced disappearances. However, despite this acknowledgement, those who are responsible were not brought to justice to date. Cemil Kırbayır was taken into custody with four other people from the same

[184] The longer version of the police statements in the aftermath of Kırbayır's disappearances can be found in the parliamentary commission's report released in 2011 available at http://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2011/cemil_kirbayir_raporu.pdf, accessed on June 1, 2014.

political party. They witnessed him being tortured in the next room. Several state officials—like the gatekeeper working in the police station—also testified that Cemil was tortured to death. Cemil's father is the person who found all of these witnesses over the years and figured out how Cemil went missing in that police station. The father has also written numerous petitions to various state institutions, including the ministry of justice and the chief office of prosecution explaining his concerns regarding his son's fate. He had no political background and the practice of disappearance was foreign to him. He was only trying to give meaning to what might have happened to Cemil. From the beginning Berfo Mother was willing to believe in the story the police told her. She wished her son fled the police station.

Just before the local elections in 2011, the Prime Minister decided to meet the Saturday Mothers and listen to their stories and demands. Berfo Mother was among them. After this meeting, a parliamentary commission to investigate two cases of enforced disappearances was established. These cases were picked as exemplary of the inquiry of enforced disappearances in Turkey. It is important to note that the commission did not choose any disappearance case from the Kurdish region where disappearances were practiced systematically during the 1990s. After listening to the witnesses and investigating related documents, the head of the commission made a statement on May 26, 2011 regarding Cemil Kirbayir's disappearance. "We reached the conclusion that Cemil Kırbayır was tortured to death during interrogation. We do not know whether there was an intention to kill. That is a separate topic of investigation. But we also reached the conclusion that his body was disappeared. But we could not uncover any information

regarding what happened to his body"[185]. After this official acknowledgement of his disappearance, the office of public prosecution initiated an investigation and interrogated a few suspects. However, it never invited the witnesses who saw Cemil when he was being tortured under custody. During the parliamentary investigation, many official institutions refused to reveal the names of the personnel who were in charge in that particular military station at the time of the disappearance on the grounds that it is secret information. In a similar vein, the prosecutor's office delays the process by not bringing the case to court. These are effective indirect methods to guarantee immunity for those who are responsible for the act of disappearance. The lawyers of the association make the argument that in cases of disappearance the statue of limitation is not valid since the body was not found and the crime continues.

Berfo Mother was 104 years old and the oldest Saturday Mother when she passed away in 2013. She became a symbol of Saturday Mothers, especially during the last two years of her life. When I first met her she was no longer able to attend the Saturday protests, but whenever she did attend them she would always hold the picture of her disappeared son Cemil Kirbayir on her knees and toward her chest. We visited her with a group of Saturday people at the anniversary of Cemil Kirbayir's disappearance. She was living with her family in a crowded house that included her daughter Fatma and her grandsons and granddaughters. She had difficulty hearing. She looked as if she was looking at people from behind a glass wall. She did not join the conversations but could respond to questions. Most of her speech was addressed to her disappeared son:

[185] This statement is available at http://www.haberturk.com/gundem/haber/751456-genelkurmayin-kirbayir-celiskisi, accessed on August 8, 2014.

> Come my little one, come. All the neighbors and our home are waiting for you. Where are you my little one, my beloved Cemil? I wish I had died instead of you. Why did you leave Mikail [older brother] all alone? Is it because you got lost on your way home? Is it because your eyes and hands were folded? Is it because the state doesn't let you come? How many years have passed? Doesn't the state know where you are? Why doesn't the state give you to me? [*She interrupts herself and turns to me*] Why don't you drink your tea my dear, drink your tea my dear.[186]

The Kırbayır family joined the Saturday sit-ins after moving to İstanbul in the 2000s because of diminishing life prospects in their hometown of Kars. The father had passed away. Yet, the rest of the family became increasingly more vocal about their suffering and experiences once they came to Istanbul. The family joined the Saturday Mothers and received legal and political support from the Human Rights Association. They understood that their experience was not unique and became confident again about looking for their disappeared loved one. The family had already written numerous petitions to every related state institution asking about Cemil's fate. Each time they received the same answer: "Yes, he was taken into custody but he escaped". The family never believed the official story. There were witnesses who saw him in detention. He was blindfolded and handcuffed. Moreover, the police station was far from the city center; hence even if he had run away he would be easily caught. As the family started to develop ties with the Human Rights Association and attend Saturday sit-ins, Cemil Kırbayır's story became more popular. But it was mainly because of his mother, who has begun to loom large in the public imaginary, that the name Kırbayır became widely known by the public.

Her stories captured many people in a very short time. That she would keep the door of her home unlocked so that Cemil would be able to enter his home easily when he returned, that she refused to paint the walls of her home for 20 years so that her son

[186] Interview, February 10, 2012.

would immediately recognize his house when he entered the neighborhood, circulated widely in the media. She said that she never gave up waiting for her son and her only will was to be buried with and next to her son's bones. She could not hold her tears whenever she heard his name. The picture in which she holds Cemil's photograph with her old wrinkled hands was printed in almost every Turkish newspaper. Consequently, she became the symbol of the Saturday Mothers. It was through Cemil Kırbayır's case and the tears of his mother that enforced disappearances have begun to find a place in the Turkish mainstream media. She asked her children not to bury her until the bones of her missing son are found. Many people were struck by this dramatic request. When she died at the age of 104, many television channels broadcast her funeral live.

Cemil Kırbayır's case and Berfo Mother's story epitomize the popular genres available to human rights activists in their struggle against enforced disappearances. This popular genre first of all addresses human conscience. The disappearance story becomes meaningful only in terms of the compassion it arouses in the audience. This is how the pain of the families comes across. There is a hierarchy of suffering that renders the stories of certain groups trivial, while those of others become more legitimate and important, both at official and popular levels. For example, as mentioned earlier, the parliamentary commission on disappearances chose two cases of disappearance under custody, neither of which is from the Kurdish region despite the fact that the majority of disappearances took place in Kurdistan. In a similar vein, the stories of mothers and other women whose relatives were disappeared during the 1990s for being Kurdish or being PKK supporters do not circulate in the mainstream media. Television channels covered the suffering of Berfo Kırbayır because her son was disappeared three decades ago under the military

regime for being a member of a radical socialist party. It was a story of a bygone era. Existing power hierarchies and prejudices determine which disappearance cases are worth being memorialized in the public sphere.

Berfo Mother's experience shows the boundaries of sharing witnessing experiences at the square and how the wider public is selective as to which stories of disappearance can effectively circulate in society. Indeed, the Saturday People have also become very selective as to how and when to share their testimonies. Moreover, they also engage in alternative witnessing practices which take the shape of public protests. It is through these protests where they point out the places, people, and institutions that are involved in acts of disappearance and they try to create alternative ways of sharing their witnessing of violence with the wider public. On the 462nd Saturday sit-in on February 1, 2014, Mikail Kirbayir, brother of Cemil Kirbayir, made a brief speech regarding the developments in Cemil's disappearance case:

> Dear press workers, defendant state's claimant citizens and sensitive people, we have been here for 462 weeks. Everyone knows the stories of our disappeared. But we are out of words now. But there is an obvious truth, which is a lie, which is that the state is lying. They imposed that culture on us, on their citizens. They lie by hiding the documents. They lie by denial. Just like as in the case of Cemil Kırbayır. He was tortured to death on October 8, 1980. They said he ran away. We said he was murdered. The state lied to the family for three decades. But the parliamentary commission made a meticulous investigation only to find that he did not run away, he was killed by state officials, and his body was somehow disappeared.[187]

During the investigation, the commission could not find any filed lawsuits regarding the case. However, it turns out that in 2002, the Kars prosecutor's office decided not to prosecute the case on the grounds of there being no plaintiffs in this case. The family was

[187] Fieldnotes, February 1, 2014.

not notified. Mikail Kırbayır then asked, "Whose house did you raid again and again in the 1980s and 90s if Cemil does not have a family?" He continues:

> I am alive. We are alive. Our cries went beyond the boundaries of this country with the Saturday Mothers. Everyone knows us. But you are not notifying us, the family, about the case. You are committing a crime by hiding this information. If you consider this, you realize that those who are governing this country are lying. Despite their lies we are determined to show them the truth. We won't relent until they are brought to justice. We will not leave this struggle unless we find our bones, our graves.[188]

Witnessing through Practice

The fact that today more people know about the details of the stories of the disappeared or the experiences of the relatives of the disappeared does not necessarily mean that they have access to "justice", which they define to be finding the body of their loved ones and/or bringing those responsible to justice. As discussed above, some of the mothers and relatives of the disappeared have stopped sharing their experiences with others. The stress of recounting the same story over and over again to no avail pushes the relatives of the disappeared to devise alternative methods of sharing their witnessing. They no longer want to speak of their suffering, grief, or mourning, but to do something concrete for the disappeared.

The Saturday Mothers' protest is not bound to Galatasaray Square. There are two other types of protests organized by the Saturday Mothers besides the Saturday sit-ins. The first one aims to commemorate the disappeared by visiting the places where they were last seen or kidnapped from during the anniversary of their disappearance. The families of the disappeared and human rights activists make press statements and leave

[188] Fieldnotes, February 1, 2014.

red carnations in the locations. Such places range from an anti-terror police unit building to an abandoned building or a road intersection. Such actions mark the place of disappearance and renames it.

During my fieldwork, I joined six of such protests organized by the Saturday Mothers. Two of them took place in front of the Gayrettepe Police Headquarters, which used to house the anti-terror branch of the police forces in the 1980s and 1990s. It is usually very stressful before the protests around this area because undercover policemen closely watch and follow those who come to the street to join the protest. However, they do not intervene. They only ask people not to block the road. The families tell their stories by pointing out the building, how their loved ones were last seen in it and never managed to leave. The banner reads: "They were brought to Gayrettepe Police Headquarters and never returned." The families leave red carnations in front of the building as if it is a grave for their missing ones. After the protest the families silently leave the area; once they have left, the police discard their flowers.

In another case, families and their advocates organized a press statement under Haşim İşcan Bridge in Istanbul where eyewitnesses last saw Hayrettin Eren. After telling his story, the family and human rights advocates left red carnations under the bridge to commemorate him. Similar to the police station, the area became a symbolic temporary grave for the disappeared with flowers and candles.

The second type of protest is more like a name-and-shame action where families and human rights activists follow state officials known to be involved in enforced disappearances. These might be government officials or military personnel who continue to occupy important positions in the military or some public office; those who are retired;

and those imprisoned for other crimes they committed. The Saturday People follow these people in their homes, work places, and prisons. At least three protests of this kind took place during my fieldwork. One was in front of the house of Tansu Ciller, who was the Prime Minister between 1993 and 1996 and who was known for permitting paramilitary organizations to commit various forms of state violence, including disappearances under custody. Another was conducted in front of the office of Ankara Gendarmerie Regional Commander Musa Çitil, who was charged with being involved in the killings of 13 persons by unidentified assailants in the Derik district of Mardin when he was working in the region between 1992 and 1994.

The last protest was against Mehmet Agar, who, as mentioned earlier, held important public offices from the anti-terror police unit in the 1980s to the Ministry of the Interior in the 1990s. He once confessed to undertaking secret operations, which included torture, disappearances, and extrajudicial killings. He was sentenced to 2 years for criminal activities in 2011 but was never tried for undertaking these secret operations. On May 27, 2012, the anniversary of their first sit-in, the Saturday Mothers and human rights activists organized a protest-visit to the prison where he was kept. The main purpose of this visit was to make public his involvement in enforced disappearances. The slogans of the protests were as follows: "Mehmet Agar: we did not forget, we are after you," "Where are our disappeared people?" "AKP confess! What are you bargaining for?" By going after such people, these mothers shift public attention from stories of sorrow and pain to the acts of the perpetrators. In a sense, they perform and practice "truth" through these protests by showing and naming places and people that are involved in enforced disappearances.

Conclusion

This chapter deals with the question of witnessing disappearances by examining the encounters between state institutions, families, and human rights activists. The act of disappearing a body is first and foremost an act of eliminating evidence, thus encounters between different actors revolve around the question of how the terms, methods, and performances of producing evidence will be determined. In this chapter, I first examined how the state manipulated ambiguity surrounding enforced disappearances in order to maintain its regime of denial. I then discussed how once it was no longer possible to deny disappearance allegations, the police sought to incorporate the problem by producing counter-evidence that would contradict these allegations. Moreover, all administrative institutions continue to produce paper work through its bureaucratic mechanism regarding the disappeared people as if the person has not been disappeared at all. That the bureaucratic apparatus does not recognize the absence of the person contributes to the perpetuation of the official regime of denial.

In the second part of the chapter I showed how the families and human rights activists have engaged in personal and collective, objective and subjective evidence making processes in order to make their cases. In the face of institutionalized and rationalized denial mechanisms maintained by the state, the families and human rights activists mobilized space, testimonies, and photos to make their witnessing a source of alternative evidence making. To this end, the families of the disappeared first of all use Galatasaray Square to produce a space where they can share their testimonies. The families turn their bodies and the photos of their disappeared relatives into evidence by

not leaving Galatasaray Square for months, despite systematic police violence. Their determination not to leave the square was an act of performing the truth of enforced disappearances under custody.

Truth and reconciliation committees are "most identified with oral testimony, with story-telling and the subjective interpretation of 'witnesses', 'perpetrators' and 'victims'" (Weizman 2012: 103). In Turkey there is no such legal mechanism that aims at coming to terms with political violence by inviting victims, witnesses, and perpetrators to share their testimonies. Galatasaray Square on the other hand has functioned as an informal Truth Commission where the witnesses of disappearance tell their testimonies, name the perpetrators, and direct their demands at the judicial and political authorities. Thus, different witnessing positions emerge and interact in the square. However, once testimonies circulate in the wider public, they take certain popular forms that make them easier to consume by the wider audience. However, these forms tend to mobilize emotional and compassionate languages and carry to risk of reducing collective and political struggles of the families to the subjective pain of disappearance.

The Saturday Mothers are very selective as to how they are going to share their testimonies and whom with. As their subjective testimonies become more in demand in the public, simultaneously, the structural and political dynamics of disappearance are rendered invisible. To identify the perpetrators and ask for justice, the families not only use testimonies at Galatasaray Square but also name-and-shame types of protests. I outlined a general trend away from sharing their testimonies to show, point out, and accuse the perpetrators via different means of evidence making. There is also a transition to a more practical, objective, and material dimension of evidence making. As a result,

and as I will further elaborate in the next chapter, the families increasingly resort to forensic and material evidence to form their demands.

Forensic and physical evidence has begun to replace or accompany testimonial evidence in human rights violation investigations in line with advances in forensic archaeology and anthropology over the last two decades. This has inevitably influenced the ways in which the families of the disappeared and human rights activists articulate their cases and make political claims. More themes on forensic and material evidence have begun to be incorporated into testimonies, especially with the onset of exhumations in Kurdistan since the 2000s. The next chapter will deal specifically with how "the forensic embrace" influences the witnessing practices and political demands of the relatives of the disappeared as well as what the political implications of this embrace are.

Chapter Five

Mass Graves, Exhumed Bones and the Forensic Embrace

In the previous chapter I explored how different witnessing regimes mobilized by state authorities, families, and human rights activists interact around the question of disappearances under custody. I tried to understand how official and non-official actors produce "evidence" in favor or against the truth of enforced disappearances under custody in Turkey in the 1990s. The ways of evidence and claims making in the struggle against disappearances have changed since the Saturday sit-ins resumed in 2009. In this chapter, I will focus on the contemporary and recently emerging ways of struggling over the truth of enforced disappearances in Turkey.

I argue that these struggles unfold around mass grave exhumations and the exhumed body of the disappeared person becomes the most concrete and irrefutable evidence against the denial regime of the state. The unearthing of mass graves not only ends the uncertainty for the families but ideally also paves the way for the trials of the perpetrators. There is a rising concern and interest among families as well as human rights activists about the effective and objective use of forensic knowledge and practice in mass grave exhumations. Whereas human rights activists ask state officials to use the Minnesota Protocol when unearthing the graves, families complain about the long identification processes and the way state officials examine and treat exhumed bones. In this chapter, I am interested in how lawyers, human rights activists, judicial authorities, forensic medical experts and the families of the disappeared take different positions and form various political and personal alliances before, during, and after mass grave

exhumations. I am especially concerned with how the evidential regime of forensic science plays out in the mass grave exhumations in Turkey.

One of the main differences in the affective atmosphere of the 1990s and 2000s is the fact that the families of the disappeared who participated in the struggle for truth were no longer expecting the disappeared person to return alive. They were not even sure that they would receive the body as a whole; they were solely looking for the bones of their loved ones. It was thanks to intermittent ceasefires between the PKK and the Turkish army, beginning in the early 2000s, that the question of mass graves in the Kurdish region had begun to be discussed publicly. In 2011, the Diyarbakir Branch of the Human Rights Association prepared a mass grave map in the region drawing on various local sources, witnesses, and applications.[189] These graves contain the dead bodies of both civilians who were kidnapped, detained, and murdered by security forces as well as guerillas who were killed during armed clashes and not returned to their families or buried properly in the 1990s. As more families have begun to file official applications for mass grave excavations for their missing relatives in the 2000s, human rights activists have become increasingly familiar with the ways in which forensic sciences can be used in mass grave exhumations.

The idea that forensic knowledge and practice play a pivotal role for detecting human rights violations has, especially in the last decade, become popular among human rights activists, political activists, as well as families via meetings, conferences, and press statements organized by various non-governmental organizations as well as expert

[189] The head of the Association, Raci Bilici, organized a press statement on September 2011 and announced that 3,248 people are lying in 253 mass graves in 20 different cities in the Kurdish region. http://www.haber3.com/tuyler-urperten-toplu-mezar-haritasi-haberi-1023260h.htm

associations. These groups of people have regularly underlined the importance of maintaining international forensic standards when dealing with the question of mass graves, exhumations, and the identification of bones. However, despite the emphasis on forensic standards in mass grave exhumations among human rights activists, the field is under the monopoly of official forensic institutions. Forensic experts and crime scene investigation units that will undertake mass grave exhumations are as a rule assigned by the state. Human rights lawyers and forensic expert witnesses can only observe the exhumation process if the prosecutor permits it.

How the mass grave excavations are carried out in practice reveals a series of unique questions and problems regarding the nature of exhumations, forensic identification, and evidence making processes in Turkey where there is no independent scientific body that oversees the exhumation process, or no political will to open mass graves for purposes of identification and justice. Nevertheless, the interest in and attraction to forensic processes influence the ways in which families and human rights activists articulate their demands against state violence and form alliances and develop mechanisms in order to face violations of the past. In the following, I will **first** introduce the main actors in the field of mass grave exhumations in Turkey, specifically the non-governmental organizations founded by the families of the disappeared as well as human rights activists. These organizations struggle for the proper excavation of mass graves and the application of international standards for mass grave investigations, primarily those of the Minnesota Protocol.[190] **Second,** I will look at the role played by forensic

[190] This protocol was adopted by the United Nations in 1989. It played a crucial role in detecting and documenting genocide and human rights abuses in places such as Rwanda and Bosnia. It

practice and knowledge in mediating the encounters between different actors during the excavation. The data I use in this chapter derives from two mass grave exhumations conducted in Dargecit and Cemisgezek in 2012 and 2011 respectively. In the first one, there was no independent forensic medicine expert in the excavation site to oversee the process. In the second, there were two independent forensic physicians who intervened in the way in which excavations were conducted, effectively argued against the use of bulldozers, and insisted that the Minnesota Protocol be followed. I hope that this part will not only illuminate the gap between state officials and families' approaches to exhumation but also shed light on the tensions between local experiences and expectations of the family vis-à-vis international forensic standards for interment. **Third**, after discussing how tensions unfold at the site of exhumation, I will look at the trajectories of the exhumed bones with a focus on the chain of custody: How are they carried? Where are they sent? How are they identified? How are they returned to the families? What are the political implications of the circulation, identification, and return of the bones for families of the disappeared in particular as well as for the purposes of justice in general? **Finally**, I will explore how the "forensic embrace" is experienced by families. In many cases, families experience a great level of disappointment after the exhumation because the identification and return of the human remains almost always

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provides standard methods for creating physical evidence out of human remains. It was created out of a "lack of a uniform legal or medical standard in the way politically motivated assassinations were investigated throughout the globe [...]. Most of the protocol was hammered out at a conference in Spring Hill, Minn., in 1987. Attendees included forensic anthropologist Clyde Snow, a pioneer in mass grave probes who helped train the Guatemalan foundation staff as well as others in Argentina and the former Yugoslavia. The result was the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions" (Rosario 2013).

turn into long-lasting torment. Moreover, these processes have unprecedented emotional consequences for the relatives. I should also add that despite the warnings of forensic medical experts, most families regard the extraction of DNA as the only and most accurate form of identification. Neither other forensic anthropological methods for identification, nor the socio-cultural and technological limitations of DNA identification method, are much discussed among them. The biomedical technology of DNA identification set the horizon of political and subjective expectations of many families. Accordingly, despite their difficult experience of it, the "forensic embrace" still influences the ways in which families of the disappeared, specifically the Saturday Mothers, articulate their demands in public.

Unmarked Graves and the Era of Forensics

Forensics always requires the "practice and skill of making an argument before a professional, political or legal gathering" (Weizman 2012: 105). Thus, it is through the rituals and ceremonies of forensic expertise carried out before, during, and after the exhumations that the exhumed bones are made to speak in the public sphere. In other words, the forensic expert witness is an important mediator between objective evidence and the audience to which these are presented. How these forensic rituals of exhumation, such as chain of custody or rigorous interpretation of evidence, are enacted in a particular society, gives important clues as to the role of the dead in that society and how the death of certain people can be known, interpreted, and presented.

The increased importance of forensic knowledge and practice also corresponds to the larger cultural and political transformations through which the reign of human

testimony is slowly replaced with objects of material evidence and forensics (Weizman 2012:103). One implication of this is that the ethical function of the witness and his testimony in the face of atrocities is also replaced with an epistemic function of forensics. As Keenan and Weizman (2012) put it: "Where there was a dispute around a war crime, the graves that had once simply been the space of memory became an epistemic resource."

Forensic anthropology and archaeology have gained unprecedented importance in human rights investigations in mass grave exhumations in the last three decades across the world and become indispensable for the search for justice in the aftermath of political violence (Joyce and Stover 1991; Snow et al. 1984; Doretti and Snow 2003). In 1983, The Mothers of the Plaza de Mayo and the National Commission on the Disappearance of Persons (CONADEP), which was installed by the newly elected president Ratil Alfonsin, invited Clyde Snow, a famous forensic anthropologist, to Argentina to help them exhume, classify, and identify the bones of the disappeared in mass graves. Clyde Snow trained a new generation of forensic archeologists and anthropologists for the Argentine Forensic Anthropology Team (EAAF) to carry out mass grave excavations, exhumations, and identification beginning in the early 1980s. At around the same time, the exhumation of a body "thought to be that of Mengele in June 1985" further contributed to "the inauguration of an era of forensics in human rights and international criminal justice" (Keenan and Weizman 2012). Clyde Snow also joined forensic experts gathered in Sao Paulo to determine if the exhumed bones belonged to Mengele. Forensic identification techniques developed during these investigations were frequently used in other contexts in the following years. Mediatized exhumations of important political figures continued

with Simón Bolívar, Nicolae Ceausescu, and the former president of Chile, Salvador Allende (Pereira 2011). There are usually two purposes for exhumations: the process of identification, as in the case of Mengele, or research into the causes and manner of death, as in the case of Bolivar. Mass grave exhumations usually seek to find answers to both questions.

Mass grave exhumations on the other hand are not usually covered by the news. On the contrary, most of the processes are still carried out in secret with the participation of a handful of legal and medical experts, the family, and human rights activists (Rosenblatt 2013). This also holds true for the limited number of mass grave exhumations carried out in Turkey so far. None of them hit the headlines of mainstream newspapers or were broadcast on television. Irrespective of news coverage, exhumed bones and their forensic analysis have however begun to have serious political and social implications.

All mass grave exhumations are also material encounters between dead bodies and forensic experts, diggers and workers (Rosenblatt 2010). According to Crossland (2009b), "the competing needs, all focused on the dead body, of legal and/or medical evidence, political narratives, and the desires of relatives and survivors for remembrance and mourning" intersect at the exhumation site. The recovery of the dead body facilitates the meeting of certain ethical and political goals for the living people. Disappeared bodies and their undiscovered graves are usually "public secrets": the local people as well as those who perpetrated these crimes know the location of these graves and how the bodies are disposed of (Sanford 2003). The question then is how these secrets will be publicly acknowledged (Tate 2007). It is around this goal that people unite and mobilize their resources. Families hope to find the fate of their missing relatives. Exhumation also paves

the way for the prosecution of war criminals as well as for political and social reconciliation in a post-conflict setting. Accordingly, the local networks of relatives, friends, and comrades of the disappeared have given rise to many local and international non-governmental organizations across the world.[191] These organizations have also instigated international organizations to take steps for the prevention of disappearances at the level of international humanitarian law.[192]

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[191] Here is a list of the most known and influential local and international organizations working against disappearances: The Latin American Federation of Associations of Relatives of Detained Disappeared (FEDEFAM) established in 1981, the Asian Federation Against Involuntary Disappearances (AFAD) established in 1998. Euro Mediterranean Federation against Enforced Disappearances (FEDEM) currently being established by several family organizations in countries around the Mediterranean Sea. The International Coalition against Enforced Disappearances (ICAED) is a global network of organizations of families of disappeared and NGOs campaigning in a nonviolent manner against the practice of enforced disappearances at the local, national and international levels. The ICAED was founded in 2007 as a result from the 25 year long struggle of families of disappeared and human rights defenders for an international legally binding instrument against enforced disappearances. The primary purpose of the ICAED is working together toward early ratification and effective implementation of the International Convention for the Protection of all Persons from Enforced Disappearances. Amnesty International is campaigning for Costa Rica, Pakistan, East Timor, Burundi, Portugal, Morocco, Lebanon, Cape Verde, Serbia, and Paraguay to ratify the convention in order to bring it into force as soon as possible. The Argentine Forensic Anthropology Team (EAAF) is a non-governmental, not-for-profit, scientific organization that applies forensic sciences — mainly forensic anthropology and archaeology — to the investigation of human rights violations in Argentina and worldwide. EAAF was established in 1984 to investigate the cases of at least 9,000 disappeared people in Argentina under the military government that ruled from 1976-1983. Today, the team works in Latin America, Africa, Asia and Europe. (http://www.eaaf.org/). The Guatemalan Forensic Anthropology Foundation (FAFG) is a non-governmental, autonomous, technical-scientific, not-for-profit organization that contributes to the strengthening of the justice system and to the respect for human rights through the investigation, documentation, dissemination, education and awareness raising regarding the historic violations of the right to life and the cases of non-clarified deaths. (www.fafg.org) EQUITAS is a victim-centered, evidence-based scientific and humanitarian organization that provides independent scientific contributions and psychosocial assistance to families of victims of crimes committed in the context of serious, mass or systematic human rights violations and armed conflicts. (www.equitas.org) This list is far from being comprehensive, but it shows the diversity of human rights organizations struggling against enforced disappearances. These organizations differ from each other also in terms of their legal status and political effectiveness as well.

[192] Currently, enforced disappearance is a crime under international law. "International Convention for the Protection of All Persons from Enforced Disappearance" is considered one of the strongest human rights treaties adopted by the United Nations.

As discussed in the previous chapter, enforced disappearance is above all based on the idea of eliminating the evidence of state violence. By disappearing a body, the state not only disposes of an "insurgent" person and spreads terror over the population, but also eliminates the traces of its own violence. Mass grave exhumations emerge as the most effective method to investigate, document, and expose the consequences of various forms of state terror. However, how these graves will be opened, how the exhumed bones will be identified and returned to the families, and how this knowledge will be mobilized in the trials of perpetrators are contingent on the existing social, political, and legal frameworks in a particular "post-conflict" setting.

Many local and international non-governmental organizations and transitional justice mechanisms deem coming to terms with the phenomenon of disappearances indispensable to the establishment of a more just society.[193] Different contexts give rise to different transitional justice mechanisms in the aftermath of political violence. Some of these mechanisms emphasize truth, such as CONADEP, while others emphasize oral testimony, story-telling, reconciliation and forgiveness, such as the South African Truth and Reconciliation Commission (Robben 2005). Each mechanism is configured around a particular tradeoff between "amnesty provisions, truth recovery mechanism, and local

[193] There is an increasing disillusionment with the peace-building capacities of tribunals, truth and reconciliation commissions, as well as exhumation and identification of the victims of political violence in post-conflict contexts (Nelson 2009; Ross 2003; Wilson 2001), and more people are reflecting on the limitations of these mechanisms. For example, according to Feldman, any campaign that aims at coming to terms with past injuries and violences has its limits because it carries the risk of commodifying violence. He argues: "Each stroke of violence creates a debt that cannot be paid and produces an asymmetry, but can never return the social order back to, or move it forward to a new homeostatic resolution. Social symmetry is the retrospective myth that legitimates actuarial or restorative violence" (2003: 71). Putting aside the idealistic and optimistic myth of restoring social symmetry, homeostatic resolution does not amount to underestimating the importance of investigation and documentation of disappearances, it only shows the limits of a restorative justice that will be established with such transitional mechanisms.

realities of political and military power relationships" (McEvoy and Conway 2004: 108) in countries, which have gone through conflict or war. There is no such mechanism installed in Turkey yet, despite the ongoing peace negotiations between the PKK and the Turkish state. The state has not launched a campaign or a committee that is specifically devoted to the investigation and documentation of enforced disappearances in the country, and in a similar vein not a single government official was found guilty of being involved in enforced disappearances. There is a lack of political willingness and determination on the part of the government to reveal the fate of the disappeared and to bring perpetrators to justice. Still, different actors pursue justice and democracy by mobilizing already available legal mechanisms to open these mass graves, and bring to justice those who are responsible for these state crimes.

Main Actors and Problems in Exhumations in Turkey

Despite the fact that most disappearances took place in the Kurdish region, Saturday sit-ins started in Istanbul because every Kurdish city was under military rule throughout the 1990s. Most of the participants of the Saturday sit-ins are Kurdish people who fled the war after one of their relatives were kidnapped by security forces in their hometowns. Those who were disappeared in Istanbul and other western cities are mostly Turkish revolutionaries. They were tortured to death during detention and disappeared individually. In other words, almost all mass graves are located in the Kurdish region of Turkey. There are two main non-governmental organizations that operate in the region and specifically deal with mass graves and disappearances: namely, the Human Rights Association (HRA) and the Mesopotamia Association of Assistance and Solidarity for

Families with Lost Relatives (MEYA-DER), and The Association of Solidarity and Assistance for the Families of Missing Persons (YAKAY-DER). HRA mostly deals with civilian cases and plays a crucial role in launching official investigations of civilian disappearances. On the other hand, Meya-Der in Diyarbakır and Yakay-Der in İstanbul are two Kurdish NGOs and they mostly deal with missing guerilla bodies in the region. Despite the division of labor between these two organizations, they collaborate in determining mass grave locations because in many mass graves, Kurdish guerillas and civilians lie together. Since 2011, both of these organizations have begun to express their concerns regarding the ways in which mass grave exhumations are carried out in the region.

That there is no international or national independent body that guides or oversees exhumations in mass graves in Turkey casts doubt on all exhumation and identification processes, which are carried out under the supervision and guidance of public prosecutors. To what extent independent lawyers and forensic experts can participate in excavation, exhumation, and investigation processes is contingent on the attitude of the prosecutor. Moreover, the extensive use of bulldozers and other heavy machinery during excavations are harshly debated and criticized by human rights activists as well as by independent forensic experts.

After having been exhumed, bones are sent to the Ministry of Justice's Forensic Medicine Institution (ATK) for identification.[194] As discussed in the first chapter, the

[194] The Israeli case is very useful for reflecting on the role of official forensic medicine institutions vis-a-vis body politics. Weiss explores the non-discursive management of the concrete remains of the bodies of Israeli citizens who passed away following bombing attacks. She shows the care given to the body pieces and the elaborate identification process in the

scientific practices of this Institution are not subject to any scrutiny or independent investigation. Another critique raised by the human rights NGOs as well as by forensic physicians is that exhumations are mainly oriented toward the identification of exhumed bones. However, exhumed bones, which can be used to determine the manner, cause, and time of death, are also the source of important information that can be used to find and prosecute perpetrators. This fact is most of the time ignored during excavations. A lawyer from HRA Diyarbakır, Reyhan Bataray, underlines these problems as follows:

> The mass graves are opened with big earthmovers. This upsets the presumed relatives of those buried because this method harms the bones. Naturally, digging up the grave should not be the only goal. A crime has been committed and the evidence about it needs to be carefully examined. Otherwise, evidence is lost. Bones might be mixed up. After applying forensic procedures, most of the bones are again buried with earthmovers in graves for the unclaimed. In other words, the graves are opened but most of the cases there would not be an investigation into the crime. The file would be closed.

Another HRA lawyer in Diyarbakir, Serdar Celebi, also makes a similar point:

> Exhumations should be predicated upon the Minnesota Protocol.[195] It is better not to dig the mass grave at all if bulldozers are going to be used. It is very saddening that one or two prosecutors arrive at the mass gravesite only in order to urgently accomplish DNA identification. But we also want to learn when, how, and by whom these people were killed [....] we expect that they be excavated according to certain standards. There are international conventions. We demand that these excavations be conducted under the leadership and with the technical support of

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National Institute of Forensic Medicine (2002: 37). This method shows that the importance given to the human remains reflects how the living bodies are classified. This is in contrast to the carelessness toward the bones, clothes, and body pieces of people— mostly Kurdish—exhumed from mass graves in Turkey.

195 According to the Minnesota Protocol, "A burial recovery should be handled with the same exacting care given to a crime-scene search. Efforts should be coordinated between the principal investigator and the consulting physical anthropologist or archaeologist. Human remains are frequently exhumed by law enforcement officers or cemetery workers unskilled in the techniques of forensic anthropology. Valuable information may be lost in this manner and false information is sometimes generated. Disinterment by untrained persons should be prohibited. The consulting anthropologist should be present to conduct or supervise the disinterment". The Protocol is available at: http://www1.umn.edu/humanrts/instree/executioninvestigation-91.html, accessed March 2, 2014.

> these experts. There is no clarity regarding this issue at the prosecutors' office either. That is why the Minnesota Protocol should be used. Excavators are used to excavate and bones are tested only for DNA matches. This is a big problem. Forensic medicine experts state that if you do a criminal investigation on the soul and other things around the mass grave site, it can provide further information on the cause, time, and manner of death, how a bullet entered a body, whether a person was tortured before he or she died, etc.[196]

All mass graves exhumations have both a legal and humanitarian dimension. So far, most of the mass grave exhumations in Turkey have been primarily carried out in such a way as to satisfy the emotional needs of the families and friends of the disappeared and did not lead to criminal trials.[197] In other words, most exhumations are conducted for identification purposes and not for the purposes of justice or legal redress. On the contrary, potential legal evidence at the mass grave is destroyed or eliminated with the use of non-archaeological methods of excavation. Thus, non-governmental organizations that are engaged in the question of mass graves and disappearances, such as HRA and MEYA-DER, have made declarations that, because of the ways in which mass graves are opened,[198] they were no longer going to file applications to open mass graves unless it is

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[196] The interview with him is available at: http://www.bestanuce1.com/haberayrinti.php?id=48635, accessed September 1, 2014.

[197] According to Crossland (2013), even in cases of humanitarian exhumation, "evidence should be recorded in ways that facilitate(s) its use in future prosecution." In a similar vein, Linda Green (1999) argues that mass grave exhumations cannot be restricted to identification: "the act of unearthing the bones of family members allows individuals to acknowledge and reconcile the past openly, to ac-knowledge at last the culpability for the death of their loves and to lay them to rest. Such unearthing is, at the same time, a most powerful statement against impunity because it reveals the magnitude of the political repression that has taken place. These were not solely individual acts with individual consequences, but are public crimes that have deeply penetrated the social body and contest the legitimacy of the body politic" (72).

[198] The EAAF described the problems of the forensic field in Argentina when they started their work in 1984 in a very similar vein: "In 1984, before the CONADEP inquiry issued its report, judges began to order that exhumations be conducted in cemeteries known to contain the remains of disappeared persons. The exhumations were attended by relatives of the disappeared desperate to find out what had happened to their loved ones and hoping to recover their remains. These

strictly necessary due to the statue of limitations.

Together with other related expert associations, these organizations have been trying to underline problems concerning the destruction of evidence during exhumations and develop solution proposals since 2011. For example, HRA, HRFT, MEYA-DER, YAKAY-DER and Democratic Society Congress (DTK) organized a two-day conference on "The Reality of Mass Graves in Turkey" in July 2011.[199] The conference addressed the gaps in the laws concerning how mass graves will be opened and set the principles for mass grave investigations in Turkey. According to the conference, the UN Minnesota Protocol should be used in mass grave investigations; an independent investigation commission should be founded, and the members of this commission should be objective, qualified, and independent; non-governmental organizations and independent observers should be included in the process, and if the standards and principles are violated by the state, this should be publicly announced and condemned. This commission should also be granted the legal power to gather all kinds of evidence and listen to local, national, and

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exhumations were problematic in several ways. First, official medical doctors in charge of the work had little experience in the exhumation and analysis of skeletal remains; in their daily professional experience they generally worked only with cadavers. Thus, exhumations were carried out by cemetery workers in a completely unscientific manner. In particular, when bulldozers were used, the bones were broken, lost, mixed up, or left inside the graves. As a result, the evidence necessary not only to identify the remains themselves, but also to support legal cases against those responsible for these crimes was destroyed. In addition, some forensic doctors had themselves been complicit, either by omission or commission, with the crimes of the previous regime. In Argentina, as in most Latin American countries, the forensic experts are part of the police and/or the judicial systems. Therefore, during non-democratic periods their independence is severely limited. For all these reasons, it was necessary to find a scientific alternative to these procedures." Available at http://eaaf.typepad.com/argentine_experience/, accessed September 1, 2014.

[199] This conference had symbolic importance as well because the final declaration was read in Newala Qesaba. This area has both symbolic and political importance. It is a dump area located in a riverbed but also the first mass grave detected in the Kurdish region in 1987. It is also known as one of the biggest mass graves in the region.

international witnesses.

Only a month later, on August 12–13, 2011, five other non-governmental organizations, including the Turkish Medical Association (TMA), the Forensic Medicine Specialists Association (ATUD), The Progressive Lawyers' Association (CHD), the Human Rights Foundation of Turkey (HRFT) and the Human Rights Association (HRA) joined mass grave excavations in Çemişgezek, Tunceli. These excavations are a milestone in the history of enforced disappearances in Turkey because they were the first time a newly identified mass grave was opened with the participation of several democratic non-governmental organizations and forensic physicians as independent expert witnesses. Following the excavations on August 23, these five non-governmental organizations organized a press conference to share their observations of procedures applied during the exhumation. These observations provide the first comprehensive critical analysis of mass grave exhumations in the country.

Human rights groups organized workshops also in the Kurdish region. One such workshop, entitled "Workshop on Disappearances, Mass Graves", took place very recently on May 18−19, 2013 and organized by Diyarbakır Human Rights Association. Drawing on previous work on disappearances and mass graves, the association sought to promote the use of more scientific and effective methods in mass grave investigations. The purpose of the workshop was to address the question of "coming to terms with the past" and "truth" in the context of the solution of the Kurdish question. To this end, they invited academics, writers, reporters and researchers from within and without the country, who specialize in the question of reconciliation. The activities the HRA carried out in the recent past culminated in the establishment of the "Foundation for Justice and

Investigation of Mass Graves." The head of the HRA Diyarbakir, Raci Bilici, explains what this Foundation will do in the following way:

> The Foundation will investigate mass graves in the region and will conduct scientific work. We have been dealing with mass graves for a long time. However, state authorities haven't taken any satisfying step so far. So we are taking the necessary step. We know that in countries with histories of past violence such institutions play crucial roles. Mass grave exhumations and identification work should be conducted very carefully. Forensic medicine experts will gather evidence that concern their expertise and they will figure out if any banned guns were used or if the person was tortured before being killed in investigating the remains of the body. The truth will be revealed. However, for a correct identification of bodies, we need a DNA bank. After overcoming legal problems, we will create a DNA bank and all relatives of the disappeared will apply there to give blood samples. If the graves are exhumed in accordance to the necessary procedure and if a match is found, the bones would be exhumed with the help of anthropologists and archaeologists and returned to the families.[200]

Despite human rights organizations' initiatives to establish independent expert mechanisms that conduct or observe mass grave exhumations, it is still the Forensic Medicine Institution that carries out the DNA examination of all exhumed bones. The ATK informs the family of the disappeared via their lawyers or human rights organizations whether exhumed bones belong to their missing relative or not.

Protesting the Forensic Medicine Institution

As part of the rising interest in mass graves and exhumations, Human Rights Association's Commission Against Disappearances Under Custody decided to organize a press conference in front of the Forensic Medicine Institution in Istanbul on May 17, 2013 to voice the demands of the families of the disappeared as well as human rights activists. They sought to draw attention to the problems related to mass graves and

[200] His statement is available at http://www.bianet.org/bianet/insan-haklari/150230-toplu-mezar-vakfi-kuruluyor?bia_source=rss, accessed September 1, 2014.

identification work in front of the ATK on the first day of the International Week for Disappearances Under Custody (17–31 May). As discussed above, the ATK is at the heart of all of the identification processes because when mass graves are opened, exhumed bones are sent to the Istanbul Forensic Medicine Institution. However, the identification process usually takes months if not sometimes years. At other times, the bones are 'lost' when being transported to the Forensic Medicine Institution or when being returned to the family.

The press statement prepared by the HRA's commission and read in front of the ATK is as follows: "Families who have been looking for their missing loved ones for years are now trying to acquire their bones. Families and the HRA have determined certain places where some of those who were disappeared by the state officials under custody are buried. Exhumed bones were sent to the Istanbul Forensic Medicine Institution which we stand in front of". After speaking of how the identification process in some cases takes years, the press statement summarizes the main problems faced by human rights activists and the families of the disappeared when searching for justice for their loved ones as follows:

> The Prosecutor does not determine the location of the mass grave before the excavation; he does not resort to the expert (such as archaeologists) or does not form an expert team. He also does not let independent experts get involved in the process. There is a lack of technical equipment, lack of training of those who participate in excavations. We see the destruction and damage of useful information and medical evidence because of the use of heavy construction equipment. The time spent on identification is far from reasonable. The fact that identified bodies are given to families in improper conditions (for example in a sack) instead of a coffin further perpetuates the already existing social trauma for the families. (HRA's Press Statement May 17, 2013)

Moreover, the statement continues, at every stage of exhumation and identification, acts

of "indignity" toward bones and the tissues of dead bodies can be observed. Sevda, who is from the Commission Against Disappearances Under Custody, says:

> Most of the methods used during the exhumations are against human dignity. They are disrespectful of the dead. This leads to further trauma for the families. The identification process is usually not completed in a reasonable time period. That the identified bones are given to the families not in a coffin but in sacks is not acceptable. It is the state's responsibility to make sure that the excavation, identification, and conservation of remains will be in accordance to the Minnesota Protocol.[201]

As discussed in the first chapter, dignity is one of the foundational concepts of the human rights discourse and very important for understanding the main problems in mass grave exhumations in Turkey. But as I will show in the following, the acts that will be classified as undignified are contextually defined. When comparing excavations in Dargecit and Cemisgezek, it will be clear that "undignified" acts during the mass grave exhumations are determined as a result of the negotiations between different stakeholders such as families, forensic experts, prosecutors and judges.

Before going to this part however I should sum up that there is a rising concern on the part of the non-governmental organizations as to how to conduct scientifically proper mass grave excavations and identification work. However, since there is no overarching legal or political framework that guarantees the application of international guidelines for excavations, local power relations and interactions determine how a particular excavation will unfold and to what extent international standards of interment and identification will be applied. In the absence of an independent commission or non-governmental organization entitled to oversee mass grave exhumations, it is the political, ideological, and scientific dispositions of local actors and institutions that characterize the nature of

[201] Interview, September 22, 2012

the interactions around exhumations. If exhumation is the first step, the identification of exhumed bones is the second, and returning them to the family is the third. In what follows I will look at how forensic knowledge and practice play into the unfolding of these stages. I will first discuss two different mass grave exhumations and how they gave rise to different kinds of problems as to the third stages of exhumation. The most important difference between these two settings is that in contrast to Dargeçit, in which only gendarmerie crime scene units participated in the exhumations as forensic experts, the Çemişgezek mass grave was opened with the participation of the following independent expert witnesses: several democratic non-governmental organizations as well as two forensic physicians. I will mainly look at how international standards for forensic investigation are articulated with different local, emotional, and political concerns in these two mass grave settings.

Dargecit Disappearances

On October 29, 1995, 57-year-old Süleyman Seyhan and a group of eight juveniles and children from the same village were taken into custody between the dates of November 2 and 6 in 1995. The 13-year-old Hazni Doğan was released for he was a classmate of the son of the head of gendarmerie. Abdurahman Coşkun and Mehmet Emin Aslan, both 20 years old, 18-year-old Abdullah Olcay, 14-year-old Seyhan Doğan, 13-year-old Nedim Akyol and 12-year-old Davut Altunkanak were never heard of again. Families could leave food and clothes at the military base for their detained children the first couple of days of their detention. But after two days the soldiers refused to receive what the families brought to their children under detention and said that they had already been

released and must have joined the PKK if they did not return home. This event is popularly known as "the Dargecit Disappearances." In comparison to many other cases of disappearance, this incident has drawn relatively more attention because all of the disappeared, except for one, were very young civilians under the age of 20.

Despite moving to different cities, most of the close families of the lost in the Dargeçit Disappearances were relatives and have never lost contact with each other since the event. For years, the state authorities systematically claimed that their relatives were released and denied any responsibility regarding their disappearances. Meanwhile, lawyers and human rights activists of the Human Rights Association filed many complaints at the prosecutors' office about the incident in the name of the families.

Hazni Doğan, one of the two who survived this incident, says that over the last couple of years they began to hear rumors from the local people as to where the disappeared might have been buried. The name of one village regularly came up: Bağözü (*Kerboran* in Kurdish). Upon these rumors, the families decided to take a step through the HRA. Accordingly, the Istanbul and Mardin branches of the HRA made an official complaint in 2009 over the investigation of these disappearances, but this investigation remained inconclusive. In 2011 however, together with some of the families, the lawyers decided to file another petition for an investigation around Bağözü village. All official complaints had ended in the decision not to prosecute till 2012. But in 2012, the Dargeçit Republican Prosecutor's Office made an unexpected call and agreed to launch an investigation in Bağözü.

Bağözü is one of the villages that were evacuated by soldiers during the emergency rule in 1992 and the nearby military base has controlled it up until 2002. It is

5 kilometers from Dargecit and there is a strong belief among the local residents that people were clandestinely buried in this village. This is a very old village and famous for its water wells. Every house has a well in its garden and the locals believe that tortured and murdered people were thrown into the wells.

Dargecit Exhumations

The first excavation in Bağözü took place on February 17, 2012 under the supervision of the Dargeçit Prosecutor and with the attendance of a forensic physician, relatives of the victims, lawyers of the Human Rights Association, and members of the crime scene investigation units of the gendarmerie. It was the lawyers of Mardin HRA, who were managing and overseeing the exhumation process in the name of the families of the disappeared. Hazni says that the diggings started at around 10:00 a.m. at a predetermined site shown by eyewitnesses.[202] The site was located in front of a ruined house at the entrance of the village. The digger tried to excavate the area but, since it was stony ground and there was no sign suggesting that the earth had been excavated before, the investigation ended very quickly and the prosecutor left the village. Hazni said that many of them thought that the case was going to be closed since no bones were found. But Hazni, his older brother Kadri, and some other relatives of the victims and human rights lawyers decided not to leave the village and continued to search for bones in nearby sites, following tips given by two local people. Hazni recounts what happened after the prosecutor left:

[202] Another problem they encountered during the excavations was that some people who promised to talk later changed their minds. One village guard, who probably knows many details regarding the massacres that took place in the 1990s in the region, first promised to tell the families everything he knows. But when they went to take him to the excavation site, he said that he would not go with them.

> The prosecutor had left because nothing was found in the site that was shown by the eyewitnesses. There was an old lady in the village. She showed us a well and said "don't leave the village before looking into that well." This well was closed differently from the other wells; it was filled with big burned stones. We showed it to the lawyer and she found it suspicious too. Forensic physicians and the prosecutor had already left. Ömer and I entered the well. We hardly moved the stones and we found a piece of burnt wood and a couple of bones inside. The lawyers said that whatever we found must be exhumed in the presence of a forensic doctor and a prosecutor; otherwise it doesn't mean a thing. So we gave the bones to the prosecutor immediately.[203]

These were the first bones exhumed in the region. When people took what they found to the local prosecutor, who conducted the excavations in the morning, he said he did not have permission to continue excavating in the region and they have to petition at the higher Prosecutors' Office in Diyarbakır. So, the families and lawyers left for the Diyarbakır Prosecutor. Contrary to their expectations, the prosecutor granted permission to continue excavations in Bağözü. The Prosecutor announced that excavations would resume on February 22.

I went to Dargeçit with three other people, a lawyer and two human rights activists from the Istanbul Branch of the Human Rights Association, to participate in the exhumation as observers on February 22. We arrived in Dargeçit very early in the morning. Local people were slowly gathering in front of the Dargeçit Prosecutor's Office. People told us that the lawyers and the prosecutor were dealing with some bureaucratic matters in the prosecutors' office and discussing the details of the excavation. Once the prosecutor was seen in front of the courthouse, people went into action and started to climb on top of the cars. Two military vans were accompanying him and the exhumation team. There were more than 20 cars and several vans full of relatives of the victims, local

[203] Interview, September 17, 2012.

people, human rights activists and reporters. It took us approximately 10 minutes to reach the village where the exhumations would take place. An old man in our car was recounting how the village was evacuated during the 1990s and today only a couple of families, who are occupied with sheep breeding, are living in the village. Despite the very cold weather, every morning for the next three days tons of local people came to the site either by foot or by car to watch the excavation teamwork and no one left until the prosecutor declared that they were finished for the day. Most even stayed longer to continue to search for human remains.

In Dargeçit everybody knows each other. Two relatives of the disappeared, Hazni and Ömer, talked to the Municipality (which is run by the Kurdish party) before the excavations in order to be hired as municipality workers so that they could join the excavations in person. The municipality agreed and gave them work clothes. I knew two of them from Istanbul but they are originally from Dargeçit. They were also regular participants of the Saturday sit-ins. As the relatives of the disappeared, they made this arrangement in order to closely observe the entire process so that nothing would remain hidden from them. Hazni told me that he and his cousin also wanted to make sure that no one else entered the excavation site.

Once having reached the village, the lawyers took the prosecutor to the well where the bones were found. With the order of the prosecutor, soldiers encircled the area with red and white tape and instructed people to stay away from the encircled area. Only lawyers, forensic experts, construction workers, close relatives of the disappeared and crime scene investigation units of the military were allowed to stay within the area. Hazni and Ömer were the first ones to go into the well to see if there were any human remains

inside. At the bottom they found a human skeleton. Then forensic experts entered the well and collected all of the bones and clothes they could find and registered them as evidence. Hazni speaks of those moments as follows:

> For a long while we waited for the forensic physician to come after having found what we did. When he came, he asked us to dig very slowly. We found a skeleton. Then we found a sweater, which looked very familiar to all of us. Everyone who saw it felt very bad. We didn't know who used to wear it, to whom it belonged, but it was still so familiar. The well was coal black. There were burnt woods in it. Maybe they even poured acid on it.[204]

After closing the well, excavations continued in different parts of the village for the following two days. Many local people were showing the experts the suspicious places where unidentified bodies might lie. Anonymous people were calling the families of the disappeared and suggesting which spots might have been used as mass graves. Hazni explains:

> We didn't know who was saying what. We were telling this information to the prosecutor and he was taking these allegations into account. The second place we dug was the area next to a house. Then someone called us and said that we should rather dig in front of the house. Indeed, there we found two bodies. The physician said that they probably belonged to children because the bones were very thin.[205]

In the days that followed, the prosecutor took each allegation very seriously and did not refuse any of the demands of the families. He also let the families conduct excavations in the village and asked them to let him know if they encountered any human remains. However, there was no forensic physician on behalf of the families. There was also no forensic anthropologist or archaeologist involved in the process. There were only lawyers, one official forensic physician, and two experts from the crime scene investigation units of the gendarmerie. The prosecutor was ordering the driver to

[204] Interview, September 17, 2012.
[205] Interview, September 17, 2012.

excavate the suspicious areas mentioned in the testimonies of the relatives and eyewitnesses. After digging a couple of meters down, the prosecutor told the workers to enter the pit and continue to dig with shovels. The experts were then screening the earth for any human remains and other evidence.

Many people told the families that the area next to the village graveyard should definitely be excavated too. Different testimonies were pointing to the same spot. As a consequence, the prosecutor agreed to excavate this area. On the second day, the team went next to the wall by the graveyard, which is located near the head of the village. There was only one small bulldozer. It was used when excavating the graves in front of the house where the bones of two people were exhumed the previous day. But it was not a powerful one and could not dig deep enough. The prosecutor asked for a larger one. When it arrived it created a small wave of joy among the people. We walked behind it almost cheerfully until it arrived at the excavation site next to the graveyard. The digging started. The bulldozer was scooping out the earth along the wall, then the workers and forensic experts were entering the pit and searching for human remains. When they came upon anything that resembled human remains, they told the bulldozer driver to stop and forensic experts would remove and register the remains.

The village was located on a hill. Depending upon the location of the excavation site, men and women were standing around the site. One could also see groups of men and women dispersed on different small hills standing and watching the excavations, which continued throughout the village. Meanwhile, women were holding the pictures of their missing loved ones on their laps. There was almost total silence except for the noise of the motor. People were sometimes murmuring among themselves about the things they

witnessed or heard in that region during the war or about the ongoing excavations. It was the motor noise of the bulldozer that was suppressing all other noises in the village. However, most families were waiting outside the excavation site. When someone approached the site, the soldiers would stop. We were watching everything from afar. When the excavators encountered any human remains, there would be a wave of excitement and people would rush around the site. We could see that skeletons and clothes were put in blue plastic garbage bags. The workers, primarily Hazni and Ömer, were then carrying them to the vans to be sent to the Istanbul Forensic Medicine Institution. Soldiers were accompanying them as they carried the bones.

When the excavations in that particular area were finished, the prosecutor let the relatives of the disappeared look for graves in other parts of the village. Kadri, Hazni, and Ömer went to different parts of the village to dig and look inside the wells. If they happened to find any bones or other human remains, they stopped digging and called the forensic expert. The situation was very emotional and dramatic. People were digging here and there, using staircases and flashlights to descend into the wells to search for people who had gone missing.

I was following a group of young men who decided to excavate a small hill next to a house. Someone said that the earth seemed a bit different in that site. Using various digging tools and their hands, they began to dig the earth. Then someone called one of the excavators to come help them with the digging. When the excavator scooped out some earth, people shouted and told him to stop so that they could enter the pit and search for human remains. Then someone shouted, “There is a shoe over there.” It was a single black shoe. They asked the driver not to start the machine. Hazni jumped into the pit

while the rest of the crowd slowly leaned down to see if there were any human remains. Nothing was found but a shoe. At the same time, Omer and a couple of other people began rummaging the earth piled next to the hole. When they found a piece of old cloth, a piece of bone, and anything that resembled human remains, they would slowly raise it so that people could see and make comments as to what it might be. After searching for almost 15 minutes at that site, the group decided to move to other sites to continue digging. Some of them went to look into a stone well after finding a staircase to enter it; another group took the bulldozer to another site to dig further. On the last day of the excavations at another site located one kilometer outside the village, there was also an excavation. The military used to have a control point on this spot during the 1990s. Many people were taken into custody in that area. The excavations were conducted with the help of the bulldozers and after several hours of work, human bones and clothes suspected to belong to five to seven people were found and put in blue plastic evidence bags to be sent to the ATK in Istanbul. This was the last excavated site in the village.

The way the excavations were carried out was very disorderly and arbitrary. People who were not experts were digging each different site like moles. There were at least three different groups digging in different parts of the village. Everyone was acting as an amateur forensic archaeologist, scratching around for bones, clothes, etc. They were holding aloft any pieces that might resemble human remains. Accordingly, many of the international procedures and standards of disinterment were being violated during the excavation.

At the end of the day, the prosecutor thanked the families for their cooperation and support throughout the process. However, he made sure to emphasize that: “It is not

the state who committed these crimes, but the individuals who infiltrated the state"[206]. In accordance with this perspective, he wanted to establish rapport with the families of the disappeared. Instead of denying their claims or accusing them of being anti-government or pro-terrorist, the prosecutor took the words of the relatives seriously and made them trust him. Everyone was indeed grateful to him. He had collaborated with the families of the disappeared and human rights lawyers.

I witnessed that the people of the village were talking about the exhumations all night at their homes. How they saw the bones, how they recognized the clothes, and one of the most important topics of conversation was the prosecutor himself. People were saying how lucky they were to have such a prosecutor, how respectful he was toward them and how he listened to their testimonies very carefully. Having strong memories of state officials, be they civilian or military, condescending to the local people for being Kurdish, relatives of the disappeared were very much impressed with the respectful attitude of the prosecutor toward them. Indeed, throughout the excavations, the prosecutor had been continuously in contact with the relatives of the disappeared. He listened to them and let them approach the excavation site. Kadri Doğan was one of the most active relatives of the disappeared. His brother, Seyhan, was disappeared in Dargecit. During the excavations, he was always in contact with the prosecutor and he kept repeating how grateful he was toward him. Whenever they showed him a possible burial site, he let them dig that area and told them to let him know if they found any human remains. In short, locally and historically ingrained prejudices of the state influenced how the exhumations were viewed and experienced by the relatives of the

[206] Field notes, February 22, 2012.

disappeared. Human rights lawyers, and observers like us did not think of criticizing the prosecutor for not properly applying the Minnesota Protocol, for not bringing enough numbers of experts, for not properly saving the evidence, or for letting non-professiomal people enter the excavation site. Everyone was grateful to him for being understanding and tolerant, for granting permission for excavations and listening to the locals.

The evaluation report on the Dargeçit exhumations prepared by the Mardin Human Rights Association is another example how the locals appreciated the attitude of the state officials during the excavations. According to the report, judicial authorities as well as forensic medicine experts and their assistants showed sufficient sensitivity and care while gathering evidence during the excavations. However, most evidence gathering practices during the excavation were in violation of many international standards of disinterment. The report omitted even the most well known arguments in the Protocol regarding the use of bulldozers and how their carelessness can damage evidence. In a sense, the report reflected the positive feeling local people had of the prosecutor. Contrary to the Dargeçit exhumations, the use of bulldozers was harshly criticized for destroying the evidence in many other exhumation settings. For example, during the Çemişgezek exhumations, the existence of independent forensic experts profoundly influenced the ways in which encounters between state officials, forensic experts, and the families of the disappeared would take place.

Cemisgezek Exhumations

According to court files, the bodies of 19 PKK guerillas were collectively buried in this area following an armed clash on April 1, 1997. It was only after excavating several other

places that forensic experts were able to find the skeletal remains belonging to seven people killed during these clashes. Within two days, experts reached the bodies of 12 people in different mass graves at the excavation site. I interviewed independent forensic physicians who participated in the excavations on behalf of the families as expert witnesses, and one of them said that "there must be tons of unidentified bodies that are buried in that area. It was a very coincidental thing that we found those bodies, we could have found other bodies too"[207]. Throughout the interview he complained about the arbitrariness of the exhumation process.

The Çemişgezek excavations are very important because, first of all, they show very clearly how the state authorities approach the question of mass graves. To them, the primary purpose of these excavations is to return the body to the family by the identification of bones. However, non-governmental organizations, independent forensic experts and political parties criticize the reduction of the mass grave question to the point of identification. According to them, this approach seeks to render invisible the state's responsibility in the formation of these mass graves. These exhumations are prevented from moving a step forward in confronting the crimes of the past and bringing justice to the families of the disappeared.

At the very beginning of the excavations in Çemişgezek, the prosecutor's office announced that the investigation will be restricted to "taking tissue/bone/teeth samples that are sufficient to make identity comparisons and identification through DNA analysis". In other words, the prosecutor declined to exhume entire bodies from the graves in which they were buried. They noted that only when the identification process is

[207] Interview, December 27, 2011.

over, the relatives or legal representatives of the identified bodies could remove the whole body from the mass grave for reburial. The prosecutor also said that no further evidence would be collected during the sample collection. From the beginning, the prosecutor's office made it clear that they did not want this excavation to give way to any penal action.

In my fieldwork I talked with the independent forensic physicians Umut and Ali and asked about their observations at the site. The first point they made was that "identification" cannot be restricted to DNA comparison/match. This is against Chapter 5 of the Minnesota Protocol, which is titled "Model Protocol for Disinterment and Analysis of Skeletal Remains," which provides "a comprehensive checklist of the steps in a basic forensic examination." Indeed, at the later stages of the disinterment, the prosecutor's office took these objections into account and decided to disinter all human remains from the mass graves and send them to the İstanbul Forensic Medicine Institution (ATK). During the Çemişgezek excavations, observers, expert witnesses and plaintiffs objected to the use of bulldozers during the excavations on the grounds that this might lead to the loss, removal, or damage of evidence because they destroy the traces and marks on the site and might break or shatter any existing bones. This objection not only follows international standards, i.e., Minnesota Protocol, but it pursues the principle of "being respectful" to the victims. As such, the use of bulldozers at the beginning of the excavations created a problem between the prosecutor and the independent observers and the lawyers that represented the complainant. Dr. Umut explains the tension as follows:

> They were searching the earth with the bulldozer. If I hadn't intervened, they were going to destroy everything. As they were moving the earth from one place to another, I found a humerus. I got very angry with the official forensic expert

> and said, "you were saying there are no bones here, but here there are." Since I am a professor, the prosecutor was respectful to me, and listened to me when I said they should stop using the bulldozer. I also reached the Ministry of Justice via a member of parliament and complained about the use of the bulldozer. It is normally very difficult to intervene in such situations. As soon as you turn your head away, a lot of things happen. Both the state and the political organizations tend to do such things. Both have problems with being scientific, which is something we are trying to promote. For example, even the representatives of the PKK might say that we want our corpses; you have no right to prevent this.[208]

Actually, there is a parallel between the use of bulldozers and the reduction of the whole exhumation process to DNA identification. Forensic archaeology and anthropology can provide detailed concrete evidence as to the conditions under which the deaths of any persons whose remains are found took place. However, once the state and the political organizations focus solely on the identification, forensic archaeological or anthropological knowledge loses its importance, and thus the use of bulldozers emerges as the most practical and legitimate method to unearth the bones as soon as possible to in order to collect DNA samples.

The use of DNA tests for the identification of exhumed bones and the presentation of this method as the ultimate solution to the question of disappearances has much to do with contemporary biomedical imaginaries. According to Good (2010), biomedical developments unfold in a "political economy of hope" that shapes the perceptions, attitudes, and expectations of both clinicians and patients. These emotional and cultural investments in biomedical hope go hand-in-hand with technological and market investments in biomedical technologies. It is through this biotechnological embrace that the therapeutic and the experimental interact and reproduce each other. The notion of "biomedical embrace" draws attention to "the power of contemporary high

[208] Interview, December 27, 2011

technology medicine in the public imagination" (Good 2010: 265). This term seeks to understand the complex relation between biotechnology and the wider society. I argue that the enthusiasm for DNA identification techniques among the families of the disappeared can also be understood in relation to the powerful desire for and belief in biomedical technologies in the wider society. It is the families' desire to find the bones of the missing person that accounts for their enthusiasm about biotechnological advances in the field of identification, which I would call the "forensic embrace".

This desire for and belief in high technology medicine, specifically DNA identification, can be immediately detected in the public speeches of the families of the disappeared, which revolve around the importance of acquiring the bones of the disappeared. For example, the term "lucky" is used for families who received the bones of their disappeared loved ones. These families frequently use the following expression: "We are one of the lucky families. We have at least a grave to visit and pray during the bayrams". Other families frequently say, "The only thing we ask for is to find the bones of our loved ones so that we can bury them properly"[209]. Şerif Taşkaya, whose father Hüseyin Taşkaya was kidnapped and disappeared in the middle of the day with armed soldiers in 1993, said during one of the Saturday Sit-ins in 2011:

> It has been almost 20 years. We haven't heard from him since then. We went to the prosecutor's office and to the European Court of Human Rights to no avail. When we heard that some bones were found in a cliff, we became happy and we wondered if they belonged to our father, who was thrown off the cliff. Can bones be the source of happiness for anyone? For us, they can. We are thinking at least that he is going to have a grave we can visit. No one deserves to die without a grave… The Prime Minister made a promise to us that he is going to find the missing people in this country. We expect him to fulfill his promise. There are

[209] Various fieldnotes from the conversations between families of the disappeared especially before and after the Saturday sit-in that I regularly attended between 2011 and 2013.

> bones here. The prosecutors should take an action. The state owes us an apology. You can fulfill this apology only by returning our bones. You murdered our people. Let your apology be our bones. Otherwise we will never accept your apology.

When the Kirbayir family wanted the prosecutor to launch an investigation after the release of the Parliamentary Commission's report, which stated that Cemil Kirbayir was killed under torture, the prosecutor asked the family for his bones in order to open an investigation. Cemil Kırbayır said of this:

> I am asking for the bones in the first place by coming to you [*i.e. prosecutor*]. He says he needs the bones and he'll do whatever needs to be done if he has the bones. But we are the ones who are after the bones in the first place. My mother, who is now over 100 years old, is looking for the bones of her son, who was kidnapped by the state and disappeared. Who is going to give the bones? You are going to give us the bones.

The following sentences of the Saturday Mothers circulate widely in the public: Hediye Mother: "Does a person make a vow to find the bones of one's son?" Berfo Mother: "If I could find the bones of my son, I will make a grave for him and then lie next to him." Morsümbül: "If I find my son's bones, I will carry them on my back. I miss his smell very much". These sentences are repeatedly used in the press statements of the Commission against Disappearances because they are assumed to summarize the demands of the families of the disappeared. As I will show below, this strong desire on the part of the families to locate the bones of the disappeared ones articulates their belief in biomedical technologies. It is indeed a milestone in the struggles of the families of the disappeared that are searching for their loved ones for years to find their bones. However, this desire is increasingly mediated through the DNA bank, forensic anthropological and archeological expertise, and the need for proper mass grave excavations.

Identification of the Bones

The forensic embrace mentioned above is best crystallized in the trajectories of the exhumed bones. Once the bones are unearthed, they are sent to the Forensic Medicine Institution for analysis. There is a strict division of labor between official forensic experts who work on the field and those who work in the laboratories. The relationship between these two types of work usually takes place via written correspondence prepared by forensic experts, lawyers, prosecutors, judges and security forces. During the Çemişgezek excavations, the lawyers of the family wanted independent forensic experts to observe the DNA identification work that would be carried out on the exhumed bones at the ATK. But the ATK declined this request on bureaucratic grounds. Then the lawyers filed a petition at the Ministry of Justice to observe the identification work at the ATK. But before the Ministry answered their request, the identification work was completed and the bones were returned to the families. The lawyer of the family, Taylan Tanay, explains why they wanted independent forensic experts to observe the identification process as follows:

> We are not interested in the personal attitude of a single physician or a public prosecutor. Both the Minnesota Protocol and the European Court of Human Rights make it necessary to have independent observers during the autopsy. We have some problems concerning the Forensic Medicine Institution in terms of its independence and impartiality. These are real problems; they do not arise from our prejudices. It doesn't have to do with the ideological or subjective choices of the physicians working there. This is a human rights issue and this Institution works for the Ministry of Justice and this situation gives rise to various concerns on our part. To overcome these concerns they have to let independent observers in the Institution.

It is usually never known when identification results will be announced. Most of the time it takes months. One of the tasks of the lawyers of the Human Rights Association is to

regularly mail petitions to the Institution in order to hasten the progress and to remind the Institution that the families are awaiting results. Here is one such petition prepared by the Human Rights Association to be sent to ATK:

> During the excavations in Dargeçit that were carried out between 17.02.2012 and 25.02.2012, many skulls, bones, and fragments of clothing that belong to different people were found. These bones were sent to your Institution for identification purposes by the Diyarbakir Specially Authorized Republication Prosecutors' Office. Despite the fact that the families have been impatiently awaiting the results for three-and-a-half months, there has been no news so far. We request to be informed of the identification processes of corpses, the cause and date of death, the number of people to whom the bones belong, as well as their ages as soon as possible.[210]

The Dargeçit families did not hear of the fate of the bones of their loved ones, which were sent to the ATK, for more than a year. Hediye Coşkun, the mother of Abdurrahman Coşkun, who was 20 years old when he was disappeared, stated the following in the Taksim Square almost a year after the diggings:

> We did unearth bones in Mardin Kerboran 11 months ago. We didn't receive any results since then. We don't know why. We don't know if those bones belong to our children. We should have been informed already. We haven't heard anything from the authorities. We don't know how long this will last. We want this to be finalized as soon as possible. Seven people were killed there, four of them were children.

In a similar vein, the brother of Seyhan Doğan, Hazni Doğan said: "The bones are still at the Forensic Medicine Institution. We put aside our pain, and are waiting for our bones. We know that this government will not bring justice to us"[211]. Indeed, the Dargeçit families did not hear from anything from the Forensic Medicine Institution for more than two years despite the petitions and press conferences held to hasten the identification process. During one of our interviews, Kadri Doğan said:

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[210] The petition is available in the archives of the HRA.
[211] Interview, Hazni Doğan, September 19, 2012

> We exhumed the bones with our hands two years ago. We found them there, but we still haven't received them. They are still at the Forensic Medicine Institution. Hopefully they will give them to us after Bayram. *Inşallah* they will give *inşallah*. That's what they are saying. They finished us with this pain. Then the case will be re-opened. We are not happy that we found the bones. In fact, we are happy but we want those responsible to be found and put on trial too. We will be happy only after then. We will have no Bayram, no happiness till then. We will not let this go.

In other words, for the families and human rights organizations to learn the results of the DNA analysis of these bones is of the utmost importance. The families are usually informed of the results via lawyers, yet unless the families and the lawyers prod the Institution to announce the results immediately, it takes months if not even years to learn of the results. However, there are also cases in which each individual family cannot reach the bones even after there is a DNA match. In what follows, I will outline how the bones of the disappeared disappear yet again in the 'cracks' of state bureaucracies.

Identifying the Bones, Disappearing the Bones

Adnan Orhan is a 30 year old Kurdish man. He lives in Diyarbakir but frequently visits Istanbul for the Saturday sit-ins. The soldiers took his father, uncle, and nephew into custody during a raid on their village in 1995. He remembers his father asking his mother to fill his tobacco case before leaving with the soldiers. His uncle and nephew were also detained with his father. After their detention, some people told the family where the three men were last seen. In 2003, another family of the disappeared filed a petition at the prosecutor's office to launch an investigation into a mass grave in the region where Adnan's father, uncle, and nephew were last seen. The bones in the mass grave were exhumed and sent to the Forensic Medicine Institution for identification. Upon hearing this news, Orhan's family wanted their DNA tested for identification against the

exhumed bones. The prosecutor accepted this request. In 2007, the forensic investigation of the ATK determined that the bones belonged to eight different people and Adnan's father and uncle were among them. The ATK informed the family by sending an official letter to their lawyers. The family became excited upon the news and hoped to receive the bones as soon as possible. Adnan recounts the rest of story as follows:

> We first started to look for other families of the disappeared in that area and we found the Bulut family. They had five missing people in their family and they had also sent their DNA samples to the Institution and their report was positive too. There was a match. We said after all those troubles we went through, we are at least going to have a grave. We applied to the prosecutor's office in Kulp. We said we want to take our bones. But to our surprise, they said that they don't have the bones. We said but you must have them. They said no. Then we wrote a petition to the Diyarbakir Prosecutor's office, to which the Kulp Prosecutor's office is subordinate, saying we want our bones. They said that they don't have them either. Then we wrote to the Istanbul Forensic Medicine Institution where the bones were tested and identified. They said that they don't have the bones either. So our search for our identified bones began. Leaving aside everything we went through, now our bones had gone missing. For two years, between 2007 and 2009, we wrote back and forth between the triangle of the Kulp Prosecutor's Office, the Diyarbakir Prosecutor's Office, and the Forensic Medicine Institution in Istanbul via our lawyers. But we couldn't acquire our bones. They all denied having the bones. At the end of two years, we decided to take a different course of action and then made a press statement with our lawyers. We said that it was our right to have our bones and that we were going to file an official complaint against the authorities who lost our bones. Only two days after the press statement, the Kulp Prosecutor's Office sent a letter to our lawyers which said: the "mentioned bones lie in block no. 76 in the cemetery of the nameless." We went to the prosecutor with the other family and said: "even though you hid the bones from us, we want to get these bones." The Kulp Prosecutor told us that, "ok, I can give you the bones. But I can give them to you in a bag." The bones of eight people had been sent to the Istanbul Forensic Medicine Institution and been probably identified and separated from each other. But then they were put in the same bag and the Kulp Prosecutor's Office buried them in a cemetery of the nameless. We said we would not take them together put in a bag. There is no such thing. It is unacceptable. You should give them to us separately and properly. He said he couldn't. You can take them only this way. If you don't want to take them this way, they are going to stay there.[212]

[212] Interview, August 24, 2013.

The prosecutor prepared an official report stating that the grave was not to be opened and the bones were not to be returned to the families because they did not want to take them. This became the official explanation for not returning the bones to the family while the families were asking for the proper and respectful return of their bones. This experience of searching for the bones in all state related institutions and facing the same bureaucratic practice of denial remind the family of the times when they were looking for their loved ones 20 years ago after their detention by the soldiers. First their loved ones, then their bones were disappeared. Adnan continues:

> They were probably afraid that when the bones came out, it might be figured out who killed them and how they were killed. This knowledge might create trouble for the state. That's why they kept the bones hidden for two years. They are scared of the bones. The bones are still in the Kulp Cemetery of the Nameless. Since eight people were buried in a single grave and since they did not let us bury them separately, we visit the cemetery with the other families during the religious festivals, Friday evenings etc., in accordance with our religious beliefs. But there we experience indescribable feelings. Eight people in a single grave.[213]

Despite frequently visiting the cemetery for religious rituals since 2009, the family is not even sure if the bones are actually there. Adnan says it is very valuable and meaningful for them if the bones are there, but this might not be the case. He says:

> All this might be a set-up. The expectation of our people is to have a DNA bank. We have to wait till these bones are exhumed in a different manner. Only then can we learn whether or not they are there. The relationship between the state and us is based on mistrust since the very beginning. Plus, considering what the state has done to us so far, and that it sees us as an enemy, brings to mind the possibility that they might have been doing everything they did in order to silence us.[214]

Orhan's family is not the only family to experience this kind of problem with public officials when it comes to receiving their identified bones in time, and properly. The

[213] Interview, August 24, 2013.
[214] Interview, August 24, 2013.

Avcıl family, who are also regular participants of the Saturday sit-ins, have a similar experience. Soldiers took Vecdin Avcıl from his village in order to help them in a military operation against the PKK in 1994 with five other villagers. After 25 days, although four of them were released Avcil never returned. That he was taken into custody was never accepted officially. Almost two decades later, the family and the lawyers reached two witnesses who saw a civilian buried with three PKK guerillas in a mass grave in the region. They suspected it was Vecdin. The family's lawyers filed a complaint the prosecutor's office to launch an investigation and open the mass grave on the grounds that Vecdin Avcıl might be in it. Finally, the grave was exhumed in 2011 and the bones were sent to the Forensic Medicine Institution for identification. The report prepared by the Institution confirmed a match with Vecdin Avcıl.

Despite this advance, problems started after it. It took two years for the family to recover bones of their loved one from the state. Vecdin Avcıl's brother is a regular participant of the Saturday sit-ins and every time he spoke he asked the authorities to return his bones. In June 2013, during a Saturday sit-in, he said: "We have been longing for his body for 19 years. Finally two years ago, we found it, its DNA was tested, it is determined that it is him. What do you want from the bones? Why aren't you giving them to us? What law, what book would say OK to this? Find an answer to this question. What else do you want from these people? What do you expect?"[215] The bones were finally retuned to the Avcıl family in 2014 and he was buried in his village in Kızılmescit, Muş. Hundreds of people joined his funeral and his son made a speech:

When we received the DNA results we were both happy and sad. We were happy

[215] Fieldnotes, June 28, 2013.

> because we were going to have a gravestone after 18 years, but we were sad that he wouldn't knock on our door again. Our hopes died. Musa Çitil testified at the court that Vecdin Avcıl was an eyewitness who showed where the terrorist shelters were and died as a result of a terrorist bomb attack. But an official autopsy report prepared by the ATK revealed that he was executed with a single gunshot and a nylon bag put over his head.

Despite a desire for bones that can be seen as legitimate in public discourse, asking for the bones of your loved ones in practice has no equal effectivity. In many cases, the families cannot reach the bones of their disappeared relatives even if there is a DNA match. The identified bones get lost in the bureaucratic machinations of the state. As discussed in the previous chapter, state institutions infiltrate the lives of the relatives of the missing by keeping their bones to itself and not properly and respectfully dispensing them to the family. The arbitrary circulation and loss of the exhumed and identified bones thus become another example of the state's reminding to the families of its existence over and over again. In other words, the bones become the site of desire and struggle between families and the state simultaneously.

Not asking for the Bones of the Disappeared

The Orhan family prefers not to receive the bones of their loved ones in a single bag with six other people. Other families approach the demand for the bones of the disappeared more critically. To them, it is very difficult to receive the bones because it amounts to accepting death. In the absence of any clues as to the whereabouts of a person, you are symbolically killing your loved one by acknowledging his or her death and requesting their bones. Besna Tosun, whose father was kidnapped before her eyes when she was 12, says:

> My disappointment grew over time. But I cannot be like my mother; I cannot see things as she sees them. I could never say that I want the bones of my father. I haven't said this once in the last 18 years. This is a very heavy thing. I am not at that point. He was a very cheerful man. The way I imagine him is very different. The way I last saw him is very different. It is very difficult for me to say that I want his bones, or to say that the only thing I want is his bones. It is all the more difficult to say this for a relative of the disappeared while the mass graves are being opened with bulldozers. When the sit-ins started at the Galatasaray Square, people asked for their children alive, no one went there to ask for bones. They said, "I want my husband, brother, daughter, son alive." But things came to such a point that people now say, "we want our bones, we want a grave." This is not enough for me. Will I forget what I've been through for 18 years even if I find my father's bones. Is it a big thing to find the bones if those responsible are not brought to justice? I never said that I want my father's bones. He was a huge man in my eyes. To receive his bones in bag… (*silence*)

For Besna, whatever is going to be done about the disappearances, the Saturday Mothers, the Human Rights Association, and other non-governmental organizations should be part of the process:

> There must be something more than finding the bones. The state should not do anything by itself; there is no meaning for the state to investigate the murders committed by other state officials. If it is going to open the graves with bulldozers, there is no meaning to it, I don't want it. We don't even know how that person was killed. Killing and putting people in mass graves is an atrocity, destroying bones with bulldozers is another atrocity to me. This is devastating for us. First of all they have to listen to the stories of everyone at the Galatasaray Square. If they had listened to me the first day I came at the Galatasaray Square, I could have described and identified people who kidnapped my father. I even gave the license plate number of the car that kidnapped my father. They could have found him that day. What needs to be done is apparent: Independent and reliable commissions should be established.[216]

The question of the identification of exhumed bones in general, and DNA identification in particular, has been the subject of a similar concern among the relatives of the disappeared in numerous other contexts. For example, the Plaza de Mayo Mothers were divided into two because of their disagreement over to what extent and for what purposes

[216] Available at http://www.bianet.org/bianet/ifade-ozgurlugu/142682-birinin-kaybedilmesiyle-basliyor-her-sey, accessed September 1, 2014.

they sought to acquire the bones of their loved ones. The question of whether to ask for bones or not was all the more burning in the Argentinean context where the bodies of hundreds of disappeared were literally impossible to find for they were thrown into the ocean. But even in cases where it is possible, some mothers refused to ask for the bones for it meant separating their fate from that of their comrades. These mothers say that theirs is a political struggle in the name of their children, not a personal one.

In the Bosnian and Herzegovinan[217] context however, in addition to the narrative truths, past atrocities are complemented by the "*scientifically* backed identification and reburial of Srebrenica's missing," which in turn raise the "stakes of the facticity" (Wagner 2008: 2-3). When the ICRC started to issue death certificates, the relatives demanded proof of death, the presence of the body "in all its personal, physical particularity, as evidence of the life and death of the missing" (Crossland 2013: 128). After joining the Çemişgezek exhumation, a forensic medical expert raised his concerns regarding the question of identification after the mass grave exhumations in the Turkish context as follows:

> People want to see concrete evidence that makes them believe that these bones belong to their loved ones. If I were a relative of a disappeared, I also wouldn't understand anything from the piece of paper saying 'ok, this is your father, this is your mother.' I would say: 'this does not look like my mother.' That's what people feel. Let's say there is a deformity on the bone and if I could show this to the family with an autopsy, I would make them believe. Indeed it is a very difficult task to work with the relatives of the disappeared.

He continues:

[217] In the Bosnian context, neither the families nor the victims mainly define themselves through their political identities. Different from many other post-conflict contexts, in Bosnia and Herzegovina, those who are in search of "truth and justice" are not trying to come to terms with the atrocities of their own state, but of other ethnic group within the same state (Wagner 2008).

> What is my goal here as an expert witness? When I saw the Saturday Mothers or watch Berfo Mother on television, I am telling to myself that this is my priority. I should find the bones of her child. I am not interested in political propaganda that can be made here. Second, if I happen to encounter a crime during forensic examination, I should not neglect to report it. However, the way human rights activists prepared the list of the disappeared people is very problematic and not very useful. The list gives the name, say Umut; year of birth, 1962; father's name Sadri. This information is no use to me during excavations. I could only tell the person's age at the time of death. Nothing more. I cannot even tell the sex (For Umit is used for both men and women). You are going to tell me he is approximately 1.70 cm, brown hair. Whether he had any clothes on when he died, if he did, what kind of clothes were they? If any of his bones were broken at all, if he had any dental operations, etc. This is the kind of information I need, but the Human Rights Association does not have these records… This is invaluable information. It is not always possible to extract DNA from the bones. Our laboratories are not that good; in some cases they would have to send the samples abroad. More importantly, Berfo Mother does not understand this. You can say that this is the DNA result, but she needs to see something, she needs convincing evidence.[218]

The forensic embrace is articulated with the contradictory personal memories of the disappeared as well as with political demands for justice. In other words, the identification of bones via DNA analysis does exhaust either personal or political demands for many families. On the other hand, independent forensic experts emphasize the importance of increasing the plausibility of the identification by not reducing it to DNA analysis. They pay attention to the families' need to have an embodied and real image of the disappeared through full-blown identification work.

Conclusion

The question of mass grave exhumations and the unearthing and identification of the bones are on the top of the agenda of the families of the disappeared and human rights activists. According to them, the bones of the disappeared not only put an end to the

[218] Interview, December 27, 2011.

uncertainty experienced by the families, but also give the most undeniable evidence against the denial regime of the state in the face of enforced disappearances. Bones collected in mass graves are thought to be the primary means for coming to terms with the violences of the past. However, in the absence of an overall political and legal framework that seeks to regulate mass grave excavations; the encounters between families, human rights activists, forensic experts and state officials are not mediated via independent commissions, organizations or councils. In other words, how these encounters will unfold is not predetermined, rather these encounters become a site of struggle among these actors. Not only excavating, but also identifying and returning the bones to the families are fraught with struggles among these actors. In this chapter, I argue that in all these three stages of exhumation, identification and returning of the bones; forensic knowledge and practice emerge as the source of desire that might fulfill the demands of the families. But these stages also reproduce prejudice, mistrust and suspicion toward official forensic institutions of the state in such a way to reveal the limitations of biomedical identification of the exhumed bones. In most cases, the representatives of the state seek to reduce the mass grave exhumations to the finding of the bones and their identification. As being the only official authority that can carry out exhumation and identification work, the Forensic Medicine Institution becomes the source of hope and suspicion at the same time. The demands and complaints of the families revolve around this Institution.

Independent forensic physicians in Turkey, who are interested in detection and documentation of human rights violations, have joined international exhumation teams across the world in the last two decades. Their participation in local mass grave

exhumations on behalf of the families thus becomes the primary means to introduce international standards of interment in the absence of an independent body that will guarantee the application of these standards. These forensic experts like the families themselves are aware of the limitations of reducing mass graves exhumations to the question of DNA identification of bones. They know how the official identification reports that are based on DNA are in most cases far from providing convincing evidence for the family. By mediating the relationships between the state officials and the families during and after the exhumations, these experts circulate the alternative forensic knowledge and practice that empower the families of the disappeared against their full or partial enchantment with the one-page DNA identification result announced by the ATK after exhumations.

Conclusion

This study examines the continuum between political violence and its scientific bureaucratic inscriptions via official or non-official encounters, institutions, documents and reports to see to what extent and in which ways these inscriptions become indispensable to legitimatizing and sanctioning political violence. I traced the dualistic role of scientific expertise and forensic authority, both as facilitators of political violence and as means for condemning it, specifically in cases of torture and enforced disappearances in Turkey. I followed the tortured, disappeared, and ill bodies of political activists and the stories, feelings, claims and evidence built around them. This focus on the body and bodily evidence reflects a broader trend toward material and objective evidence making processes. Yet, the chapters seek to show how locally and historically shaped genealogies of struggle over the truth of state violence color this trend.

Political transformations in post-coup Turkey made this research both possible and necessary. In order to show their allegiance to the principles of liberal western democracy, the post-coup governments passed laws that recognized the priority of international agreements over national regulations. Turkey signed and ratified the United Nations Convention against Torture in 1988 only one year after it came into force. Meanwhile, the widespread arrest of socialist, revolutionary, and Kurdish political activists during the same period turned prisons and police stations into sites of violence as well as struggles over the body of the prisoner. Torture has remained a routine and widespread practice until the early 2000s and, according to the human rights organizations, more than one million people were tortured during this period.

Enforced disappearance was used sporadically in the 1980s but was integrated

into the state's paramilitary strategy, which aimed to suppress the radical left and Kurdish movements in the second half of the 1990s. It is estimated that approximately 1,500 people, most of them Kurdish, were disappeared under custody. The state declared emergency rule in many Kurdish cities due to the war between the PKK and the Turkish army that began in 1984, and this allowed security forces to commit crimes of torture and disappearance against the Kurds with full impunity. Despite the presumed rule of law in the western cities, members of radical leftist organizations were subjected to similar state violence. The critiques raised by national and international human rights organizations against state violence were ignored or denied. The representatives of the state explained them away as fictional, or as the result of singular or exceptional acts of isolated security forces. However, the most important pillar of this regime of denial was built in collaboration and complicity with the official forensic institutions. The struggle against these official medico-legal reports and the forensic epistemology they hinge on was fought primarily by human rights physicians.

This study thus examines systematic acts of torture and enforced disappearance around which the state built a specific regime of denial in collaboration and complicity with the official forensic institution in the post-1980 period. The regime of denial in the face of acts of torture or enforced disappearance committed by state officials does not have a recent history in Turkey. However, in the last three decades, starting in 1982 with the restructuration of the Forensic Medicine Institution, the medical documentation of political violence has gained unprecedented import in sustaining this regime of denial. However, this research does not seek to propose an overarching official forensic medical epistemology that accounts for the role of expert medical knowledge and practice in

maintaining this regime of violence. Rather than attributing a preformed logic to official forensic epistemologies and trying to trace them in official documents and discourses, this research approaches expert forensic knowledge and its epistemologies as something that is formed through interactions between medical experts, who have diverse ideological and political backgrounds and occupy different institutional positions, and political activists. These interactions take place in different medico-legal settings and for different medical, legal, and political purposes. That is why the process in which the political body becomes the object of knowledge is always fraught with ideological prejudices and choices as well as political conflicts. In that sense, all of the chapters in my thesis examine the intersections, articulations, and contradictions between different witnessing positions in cases of torture and enforced disappearance in Turkey. I traced how these positions mobilized different evidential regimes (Crossland 2013), such as those of science, legal testimony, forensic investigation and the expectations and stories of relatives and human rights organizations.

In each chapter I also sought to point to the limitations of certain witnessing positions viz-a-viz each other as encounters between various state institutions and victims of state violence unfold. When the narratives of torture victims are seen as ideological and are also compromised, having their torture scars medically documented emerges as the only way for them to make legal claims against their perpetrators at the courts. However, this also has its limits because (as discussed in Chapter One) torturers begin to obtain medical documents to defend themselves at courts as well. As discussed in Chapter Four and Five, the families of the disappeared are no longer willing to share their stories as enthusiastically as before but they are also unsatisfied with any solution that is

restricted to the DNA identification of the bones of their missing ones. The state's project to reduce hunger strikers in prison to their biological body was later taken up by political prisoners themselves to postpone their sentences when they fell seriously ill. However, in this case, the state introduced another clause to instruct the political prisoner that his body can never undertake the presumed universality of the biological body for, according to the state, he is always a "terrorist in disguise". In other words, the marginal and fragile bodies or bodily remains of political activists have been sites of struggle as to what extent and for which purposes expert forensic knowledge about them will be produced because they always carry with them or evoke a legacy of political commitment, ideological conviction, or an ideal for justice.

Scholars use the term biosociality, coined by Paul Rabinow, to show how different socialities were built around biologies, body parts, and illnesses in different contexts. Inspired from works that examine how the body is used to make political and legal claims (Petryna 2002, Ticktin 2011), this study traces how biomedical and forensic expertise figure in shaping the political field around the tortured, suffering, and disappeared bodies in Turkey. However, different from these examples, the body at stake here is an actively political one and the bodily remains are fraught with political meanings. Thus, the medico-legal encounters and the witnessing regimes built around the body and its remains are always ideologically saturated. Medico-legal knowledge of the political body is articulated with different witnessing regimes in such a way as to restrict state violence in some cases, but in others they also restrict the ideological position of political activists via the medicalization of the bodily and material consequences of state violence.

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